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MONTHLY
Biographical Magazine:

CONTAINING
PORTRAITS AND MEMOIRS
OF
Distinguished Americans.
NOW LIVING.

"Philosophy Teaching by Example."

EDITED BY JOHN LIVINGSTON,
OF THE NEW-YORK BAR.

DECEMBER, 1852.

VOL. I.—No. I.

EACH NUMBER COMPLETE IN ITSELF.

NEW-YORK:
PUBLISHED AT 157 BROADWAY.

LONDON:
26 BELL YARD, LINCOLN'S INN.

⚠ All remittances and communications relative to the work must
be addressed to JOHN LIVINGSTON, 157 Broadway, New-York.

Terms, Ten Dollars a Year, in advance.

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DECEMBER, 1852.

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✎ This work is published at ten dollars a year, for subscribers only, and as it will not be forwarded except to such as shall remit the money, all who desire it should send in their subscriptions without delay.

EDITOR'S NOTICE.

It is the design of this Periodical to present to the world the Portraits and Memoirs of our prominent living citizens who are distinguished either as Divines, Lawyers, Doctors, Statesmen, Financiers, Merchants, Manufacturers or Farmers, or in any other honorable vocation,—and whose talents, energy, enterprise and integrity, while affording an instructive lesson to mankind, may seem worthy of being held up as examples for emulation. That the memory of persons who occupy the higher positions of accredited usefulness, besides being treasured in the hearts of relatives and friends, should also have its public record, is peculiarly proper: because a knowledge of those whose substantial fame rests upon their attainments, character and success, must exert a wholesome influence on the rising generation of the American people; while to those who have arrived at a period in life not to be benefited by lessons designed for less advanced age, it cannot fail to prove interesting.

Individual enterprise, which is so justly the boast of our country, will be strikingly exhibited in this work. While transmitting to posterity the memory and features of illustrious persons of the present day, it will teach us, and our children, that honor and station are the sure reward of continued exertion—and that, when compared to a good education, with habits of honest industry and economy, the greatest wealth would be but a poor legacy.

If in these pages our Subscribers shall find the memoirs of many who have enjoyed every advantage which affluence and early education could bestow, they may also trace the history of those who, by their own unaided efforts, have risen from the obscurity of penniless and friendless boys, to the highest and most responsible trusts in the land; and we think it will be found that success has more generally waited upon men who, in early life, were not encumbered with a bountiful supply of "this world's goods."

Pope's lines are more truly applicable in our country than in any other:—

"Honor and fame from no condition rise;
Act well your part; there all the honor lies."

The record of life, from an humble roof up through the arduous paths of manhood to wealth and station, will kindle honest ambition, invigorate patriotic resolves, and cheer struggling poverty to renewed and more vigorous exertion.

The Memoirs will be accurate and authentic—recourse being invariably had to the most competent and unequivocal authorities in the statement of facts—and will be accompanied by the most exact and best executed Portraits, which will be engraved from daguerreotypes expressly for the work. The first talent in the country will be employed on the Engravings.

But, preserving the memory and perpetuating the living images of the great and good of this generation, does not constitute the only, nor the highest claim of this work to public patronage; in an historical point of view, as preparing materials for the future historian, it deserves to be regarded as of great value. So long as it shall be continued, there will be no difficulty at any future day in tracing the course of events, or in describing the agents who controlled and directed their progress.

The purpose of this Magazine has nothing in common with the promotion of party views of any kind—aiming in this respect at the strictest impartiality, both in the selection of subjects and the exposition of character. It will save from oblivion the benefactors of the nation, and of society—those distinguished for the rank they sustain, without regard to what may be their vocation, politics, or religion.

The work is no experiment. The Editor was unwilling to undertake its issue before Plates and Materials had been prepared for several Numbers. More than *seventeen thousand dollars* have already been expended upon Steel Engravings alone. No pains or expense will be spared to make it splendid as well as valuable. It shall be a work which would equally adorn the library or embellish the parlor; and its terms are such as to place it within the reach of all who desire to hand down to posterity correct portraits of “the men of the times,” or who wish to place before their children examples begetting a moral emulation, which must kindle that honorable ambition forming the main incentive to vigorous exertion and to great and noble actions.

Every true-hearted citizen should feel an honest pride in being among the foremost to encourage so laudable an effort. This truly national work will be a perpetual record—an eternal monument to the integrity, wisdom and enterprise of our leading men of this generation.

The work will be published in numbers, on or about the first of every month, at ten dollars a year, payable in advance. One year's issue will make two volumes of about 800 pages, and *one hundred and twenty-five Steel Portraits, which alone will be worth more than three times the subscription price.* It will be published simultaneously in New-York and London, for Subscribers only; separate Numbers will not be sold at any price, except by special arrangement with the Publisher.

All who desire to receive the work, will send in their subscriptions without delay, as no number will be forwarded except to such as shall remit the money.

It is earnestly hoped that all who wish well of the enterprise, will aid it by sending in their subscriptions, and by inducing their friends to subscribe. Bills on any solvent bank in the Union will be received, and may be safely sent by mail. Under the new cheap postage law, the postage will be only a few cents on each number, and the work can therefore be delivered through the mail at less expense than by any other conveyance.

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JOHN LIVINGSTON,
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December 1, 1852.

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Eng'd by H. W. Child

RUFUS W. BLINN, LL.D.

(1840-1870)

Eng'd for the Historical Series of Famous American Lawyers

BIOGRAPHICAL SKETCHES OF EMINENT AMERICANS.

WITH PORTRAITS.

HON. JACOB BURNET, LL. D.,

OF OHIO.

JUDGE BURNET is the son of Doctor William Burnet, the elder, of Newark, New-Jersey, who was a member of the second class that graduated at the College of New-Jersey, in 1749, before the institution was removed to Princeton; and who was elected a member of Congress under the Confederation, in the fall of 1776, and in the winter following was appointed physician and surgeon-general for the eastern district of the United States, which appointment he held till the close of the war. Doctor Ichabod Burnet, grandfather of the judge, was born in Scotland, in the vicinity of Edinburgh, and was educated at the university in that city. Soon after he completed his collegiate and professional studies, he married, and emigrated to Elizabethtown, in the province of New-Jersey, where he lived to a very advanced age, in the practice of his profession as a physician and surgeon.

The subject of this sketch was born on the 22d February, 1770. In 1791 he graduated at Princeton college, during the presidency of the venerable Doctor Witherspoon. He studied law in the office of Judge Boudinot, of New-Jersey, and was licensed to practise his profession, by the Supreme Court of that state, at the May term of 1796. Immediately after his admission to the bar, he removed to Cincinnati, which has been the place of his residence ever since. On his arrival at the place selected as the field of his subsequent labors, he found it a small village of log cabins, with a few frame houses made principally of the timber and plank of the Kentucky boats on which they had floated to the place of their destination. It contained a population of from four to five hundred, of all ages, exclusive of the troops at Fort Washington, then commanded by Captain Harrison, afterwards President of the United States, and the attachés of the army, amounting to about an equal number.

The court being in session when Mr. Burnet arrived, he was immediately admitted to the bar, and before the close of the term, was retained in a large portion of the cases then on the docket. The popula-

tion of the town, though small, contained an unusually large proportion of respectable, intelligent families, and single individuals, sufficiently numerous to form a very pleasant, interesting society. Notwithstanding the isolated situation of the place, being several hundred miles within an unsettled wilderness, which rendered it difficult to procure the necessaries, and much more so the conveniences and luxuries of life, yet the hospitality of the inhabitants was general, and limited only by their means of indulging it.

In 1795, the year in which the Indian war was terminated, by the treaty of Greenville, the governor and judges of the General Court undertook to ascertain, as correctly as possible, the number of white inhabitants in the entire territory, extending from Pennsylvania to the Mississippi River, and from the Ohio to the lakes; and reported it to be about fifteen thousand, not including Detroit and the settlement in its vicinity, which were then in the possession of Great Britain.

At that time the only judicial courts organized in the territory were at Marietta, Cincinnati, Vincennes, and Kaskaskia. In the succeeding year, and about the time Mr. Burnet arrived at Cincinnati, Detroit, Mackinaw, and Fort Simco, at the foot of the rapids of the Maumee River, with the settlements in their vicinity, were surrendered under the provisions of Jay's treaty to General Wayne, who had been appointed by President Washington to receive the same. Immediately thereafter Governor St. Clair erected the territory, thus surrendered, into a county, and gave it the name of Wayne county, in honor of the veteran soldier whose victory over the savages in 1794 had hastened the measure. Courts of justice were immediately after established at Detroit, which commenced their sessions in the succeeding year. At that early period the territory was without roads, bridges, or other facilities for traveling, and the county seats were some hundred miles apart, separated from each other by an uncultivated wilderness, yet the subject of this memoir attended every term of the general court at Cincinnati, Marietta, and Detroit, from his first arrival in the territory till the establishment of the state government. As a matter of course, he and those who traveled with him carried their provisions, slept on the ground, and swam on their horses all the water courses that were too deep to be forded. During his continuance in practice he was devoted to the duties of his profession, and was justly ranked among the most distinguished members of the bar.

In 1799 it was ascertained that the territory contained five thousand free white male inhabitants, and consequently was entitled by the ordinance of 1787 to enter on the second grade of territorial government, and to have a General Assembly consisting of a legislative council appointed by the President, with the advice and consent of the Senate, and a House of Representatives chosen by the people, in which body the legislative power of the territory was vested, subject to the unqualified veto of the governor.

Mr. Burnet was nominated to the Senate, and with their advice and consent appointed, by President Adams, one of the legislative council, and continued a member of that body till the territorial government was abolished, and a state government established, in the winter of 1802-3.

It appears from the territorial journal, that Mr. B. was a very active, laborious member of that legislature, and that a large part of the business transacted by the council was prepared and reported by him.

From the first settlement of the northwestern territory the Commonwealth of Kentucky claimed exclusive jurisdiction on the Ohio River, which had been reluctantly submitted to by the people of the territory, and from which very serious difficulties and embarrassments had resulted.

Persons arrested by territorial officers for crimes committed on board of boats lying at, or floating near the shore of the territory, were released on habeas corpus, or discharged on pleas to the jurisdiction of the territorial courts. Those who set up this exclusive right claimed that it extended to high-water mark, and insisted that when the river, at a high stage, passed a portion of its waters through a bayou, or over low ground into the main stream below, the ground so separated was an island within the meaning of the act of session, the jurisdiction and soil of which was vested in Kentucky. This condition of things was highly embarrassing, and frequently resulted in the escape of criminals from deserved punishment.

The claim was considered extremely oppressive, and was loudly and justly complained of. Many persons of intelligence expressed the opinion that the cession of the entire country northwest of the river, including jurisdiction as well as soil, in connection with the fact, that the river had been declared a public highway, to be used freely as such by all the citizens of the United States, might be considered as giving the people of the territory the jurisdiction they claimed.

Mr. Burnet, then a member of the legislature, with others, was disposed to maintain that opinion, and to assert it as the only remedy for the embarrassments experienced by their magistrates and courts of justice.

Accordingly, in the early part of the session of 1799, on leave granted for that purpose, he introduced a bill in which the right of jurisdiction on the river was affirmed, and the service of process, civil and criminal, made on any river or water-course within or bounding the territory, was declared legal.

That bill passed by a unanimous vote in each house, and was approved by the governor, with the distinct understanding that it asserted the right of concurrent jurisdiction over the whole river. From that time, the tribunals of the territory, and afterwards of the state, sustained the legality of arrests made on the Ohio River. Kentucky, however, continued to dispute the right, though no serious effort was made to resist it for a number of years; but subsequently the opposition on the part of that state was revived, and became so serious, that the legislature of Ohio passed a resolution requesting their governor to correspond on the subject with the governor of Kentucky. At a subsequent session the legislature were informed, that the governor of that state had declined holding any correspondence on the subject.

When that result was communicated, Mr. B. was a member of the house, and, having had something to do with that matter in the territorial legislature, he determined to give it a thorough investigation. Ac-

cordingly, he examined the entire legislation of Virginia in regard to it. He found that the act passed in December, 1789, authorizing the district of Kentucky to form a separate government, was in the form of a compact, and set forth distinctly the terms and conditions on which, and on which alone, the district should be permitted to form a government for themselves. One of them declared in express terms, that the state to be formed in the district should never claim the exclusive jurisdiction on the Ohio River, but that it should be forever common to them, and to the people and states on the opposite side.

These conditions were agreed to by the people of Kentucky, and a state constitution was formed in 1792, containing a clause that the compact with the State of Virginia should constitute a part thereof. The result of that examination was communicated to the legislature, and produced a perfect conviction that the right for which they had been attempting to negotiate was secured to them, as far as Kentucky was concerned, by the prudence and foresight of the commonwealth of Virginia. Since that time there has not been any difficulty with the state or people of Kentucky. A similar embarrassment, however, may arise with the State of Virginia as to our right on the river above the mouth of Big Sandy. But, judging from what she had done to secure the jurisdiction below that point, it is not presumed she will desire to restrict it above.

During the war of 1812 he was elected a member of the state assembly—was re-elected the succeeding year, and was solicited to be a candidate again, but declined, in consequence of its interference with his professional duties.

During his membership he took an active part in supporting the various propositions that were brought before the legislature to sustain the war, and, as far as the means within their control would permit, they were put in requisition to aid the government in the accomplishment of their plans to bring the contest to a successful close.

In 1821 he was appointed by the governor of Ohio one of the supreme judges of the state, and was subsequently elected by the legislature to the same office, in which he continued discharging the onerous and responsible duties it imposed till December, 1828, when he resigned his seat on the bench, and was in a few days thereafter elected to the Senate of the United States, to fill the vacancy occasioned by the resignation of General Harrison, who had been appointed minister to the government at Bogota. Having previously made up his mind to retire from public business, which had induced him to leave the bench, he at first declined the appointment, but, on the solicitation of friends, he yielded to their wishes, on condition that he should not be considered a candidate for re-election.

Soon after his appointment to the bench of the Supreme Court, he was chosen by the legislature of the State of Kentucky one of the commissioners to adjust the matters in controversy between that state and the commonwealth of Virginia, involving the objections of the latter against the statute of limitations, and the occupying claimant law of the former, and involving also the validity of the location of a large amount of Virginia military land-warrants in the district of Green River; and in the fall of 1821, he proceeded to Washington City, in

company with the Hon. Henry Clay, who had been designated by the legislature to superintend the investigation on their part—the Hon. Benjamin Watkins Leigh having been appointed by Virginia to attend to the same duty on their behalf. It so happened, however, that the Virginia commissioners failed to attend, by which the object of the arrangement which had been previously made by the two states was defeated. About the same time, Mr. Burnet was appointed a professor in the law-school connected with the Transylvania University, at Lexington; but at that time the state of his health, and the pressure of official duty at home, prevented him from accepting the appointment. Soon after, that institution conferred on him, unsolicited, the honorary degree of LL. D.; and at a subsequent period the same honorary degree was conferred on him by the trustees and faculty of his Alma Mater, at Princeton.

Under the system established for the sale of the public domain by the law of 1800, and the acts supplementary thereto, an immense debt was contracted, and became due to the government of the United States from the people of the West, exceeding by estimate the entire amount of money then circulating in the western states. That debt had been accumulating more than twenty years, and was swelling daily with increasing rapidity.

In 1821 it far exceeded the ability of the debtors to pay. Neither the speculator, who had purchased with a view of selling at a profit, nor the farmer, who bought for the purpose of cultivation and who expected nothing more than to obtain a subsistence for his family, could procure the money which was necessary to secure his title.

It is well known that the first emigrants to the West, and the greater part of those who followed them from time to time, were compelled, by necessity, to purchase on credit. Some of them exhausted their means to the last dollar in raising the first payment on their entries, and others were not able to make up that sum without the aid of their friends.

Judge Burnet, who was one of the early adventurers to the West, was residing in the Miami country before and at the time the sales of the public lands commenced, and had a general knowledge of the situation of the great mass of purchasers who were indebted to the government. It was his opinion, repeatedly expressed in conversation and in the newspapers of the day, that nine-tenths of those debtors would lose their lands and improvements under the laws then in force unless relief should be obtained from Congress. That opinion was founded on the general condition of the country. It was manifest that the pecuniary embarrassment which prevailed was great and universal—that the banks in the western states had all suspended payment—that credit was at an end—that money was not to be had, because it was not in the country, and, of course, that no property could be sold for cash on any terms. This appalling prospect spread a gloom on the countenance of the community. The people were sinking in despair; hope had deserted them, and they were preparing to meet their fate with the best resolution they could command.

The debt due to the government in 1820, at the different land offices in the western states, amounted to twenty-two millions of dollars, a

sum which more than tripled the ability of the country to pay. There was, in fact, a crisis in its affairs; and the most buoyant spirits could not indulge a rational hope that the gathering storm could be scattered, or its ruinous consequences be repaired.

Thousands of industrious men, some of whom had paid one, some two, and others three instalments, on their lands, and had toiled day and night in clearing, inclosing, and improving them, became convinced that they would be forfeited, and their money and labor lost.

The amount of the debt, beyond the means of payment, was so great, as to threaten a general bankruptcy throughout the West.

When this state of things became generally known and understood, politicians and patriots, in every part of the country, felt serious fears that an attempt to enforce payment, by a forfeiture of the land, under the laws of Congress, would produce resistance, and probably terminate in a civil war.

It was very evident that more than half of the men northwest of the Ohio River were in debt to the government; and it was a reasonable calculation, that all the residue felt a warm interest operating in their favor.

A similar state of things, though not perhaps to the same extent, existed in Alabama, Mississippi, Louisiana, and Missouri.

An interest so universal, and so exciting to the feelings, pervading such a vast extent of country, might well create forebodings of danger in the minds of reflecting men.

Portions of this debt were due from individuals, who had purchased for the purpose of selling at an advance; and although less sympathy was felt for them than for the actual cultivators of the soil, yet, in point of fact, their claims were equally strong. But be that as it may, it was quite evident that if any attempt had been made to enforce the penalty of the land laws, the influence of that class would have been much the most operative in organizing and sustaining a plan of resistance. From that consideration the farmers had no disposition to separate from their fellow-sufferers, by presenting a claim on their own behalf, founded on the peculiarity of their situation.

When the nation discovered the real condition of these debtors, a feeling of sympathy was produced in their behalf throughout the Union; and at the same time many anxious fears were excited, as to the consequences of an attempt to enforce payment.

Judge Burnet—being one of the sufferers, and discovering a disposition manifested everywhere to remove the difficulty—directed his anxious attention to the subject, with a view of devising a plan of relief. It was very manifest, without pausing to deliberate, that the debt could never be paid, and consequently that no plan, predicated on an extension of time, would be of any avail, and that the only effectual method of removing the difficulty was to extinguish the claim at once.

That object might be accomplished, it was believed, by obtaining permission to relinquish as much of the land entered as the purchaser could not pay for; with the privilege of applying the money, which had been paid in on relinquished tracts, to the credit of such other tracts as might be retained, in such manner as to save the improvements of the

actual settler. That privilege, and a release of back interest, it was believed, would fully accomplish the object.

This view of the subject he stated to his friends, Mr. G. A. Worth, cashier of the Branch Bank at Cincinnati, and Judge Burke, postmaster at that place, both of whom cordially approved of the plan. He then drew up the form of a memorial to Congress, setting forth the facts, and praying that a law might be passed granting relief to the memorialists, in the specific manner stated above, which was submitted to the persons beforenamed, and approved of.

More than a thousand copies of it were then neatly printed, on letter paper, by Messrs. Morgan and Lodge, who, being furnished with the materials, declined receiving any compensation for their labor.

The memorials were accompanied by a circular letter, drawn by Judge Burnet, explanatory of the object, and were sent to every post-office in the states and territories in which public lands had been sold; directed to influential men, who were earnestly requested to multiply copies, and send them to every village and neighborhood in the states and territories in which they resided. Among others, a copy was sent to Governor Worthington, of Ohio, who approved of the plan, and exerted his influence, which was very prevailing, to carry it to a successful termination.

The scheme met with universal approbation, and in a short time copies of the memorial were in circulation in every part of the Ohio and Mississippi valley. The consequence was, that, at the succeeding session of Congress, the tables of both houses were literally loaded with these memorials, signed by thousands of the inhabitants of all parts of the western and southwestern country; and, with here and there an exception, they were in the precise form drawn by Judge Burnet, and printed at Cincinnati.

The subject was taken up in Congress with great earnestness, and the act of 1821 was passed, granting relief in the form requested in the memorial.

In the discussion of the subject, it was evident that the leading members were induced to support the measure, from an apprehension of the consequences to which the continuance of the debt would lead; and from a conviction that it was necessary to change the land system, so as to require all sales thereafter to be made in cash. Under the influence of those considerations, the Hon. Rufus King, of New-York, discussed the subject in the Senate with great talent and energy. He advocated the plan, because it united the double object of extinguishing the existing debt, and of preventing the accumulation of another.

To reconcile the community to this important alteration in the land system, Mr. King proposed to reduce the price of the public land from two dollars to one dollar and twenty-five cents; and to sub-divide the surveys into tracts of eighty acres, so as to put it in the power of every citizen, who was not a confirmed loafer, to become an independent freeholder.

With these modifications, the plan proposed in the memorial was adopted, with a degree of unanimity almost unparalleled.

By the success of that project, performed and put in operation by Mr. Burnet, he had the satisfaction of seeing the entire West relieved

from a state of depression, which, had it been continued, must have produced results too distressing to be contemplated.

In practice, the plan adopted was effective. It relieved the nation from apprehensions, and the people of the West from embarrassment, and it strengthened their confidence in the benignity of the general government, while it removed a cause of disquietude and distress which threatened the peace of the country.

In 1828 Congress granted to the State of Ohio, for the purpose of aiding in the construction of the Miami canal, from Dayton to the lake, by the Maumee route, a quantity of land equal to one-half of five sections in width, on each side of the canal, from Dayton to the mouth of the Auglaize River, on the express condition that the work should be commenced in five years, and completed in twenty years, or the state should be bound to pay the United States the price of the lands.

The state was also required to pass a law expressly accepting the condition; without which, the grant should be inoperative.

The legislature were fearful of the embarrassment that might result, and refused to pass the law required, by which the law became inoperative, and the grant was lost.

Thus the matter stood in 1830. Judge Burnet being then a member of the Senate of the United States, and feeling a deep interest in the completion of that work, determined to make an effort to obtain the passage of a law for the purpose of reviving the former law, removing the penalty it imposed, and obtaining an additional grant, without which it was evident the extension of the Miami canal would be abandoned.

He mentioned the subject to his colleague, Judge Ruggles, and to most of the Ohio members of the house. They gave it as their opinion that the attempt would be a failure, particularly that part of it which proposed an additional grant; but all expressed their readiness to aid in supporting the measure.

For the purpose of bringing the subject before the Senate, he offered a resolution, instructing the committee on public lands to investigate the subject, and report to the Senate. At the request of the committee, Mr. Burnet appeared before them, explained the object of the resolution, and stated in detail the claims of his state on the government, and the grounds on which they relied for relief and assistance.

The result was, that they reported a bill reviving the former grant; revoking the forfeiture, and making an additional grant of about two hundred and fifty sections of land. That bill passed both houses during the session, and furnished the means by which the Miami extension canal was completed.

Judge Burnet was for many years actively engaged in projecting and sustaining the various enterprises set on foot in Cincinnati, and in other parts of the state, for the purpose of advancing the health, intelligence, and general prosperity of the community, as will appear from the following facts:—that he took a leading part in establishing the Lancasterian Academy of Cincinnati, at an early day, and in the subsequent establishment of the Cincinnati College, of which he was the first president—that he had an agency in procuring the re-organization of the Medical College of Ohio, and was president of that institution a num-





Eng^d by H S Sudd

HON. RICHARD B. COXE,
OF WASHINGTON D.C.

From the Biographical Sketches of Distinguished American Jurists

WASH.

in the City of Washing-



ber of years—that he was president of the Cincinnati Branch of the United States Bank, chartered during the administration of Mr. Madison—that he was the first president of the Colonization Society of Cincinnati, and devoted much time in promoting the great object of its founders—that he was a member of the Society for the Cultivation of Sacred Music, and was president of that association—that he was the first president of the Astronomical Society of Cincinnati, and rendered essential and material aid to the efforts of Professor Mitchell, who is universally regarded as the father and founder of that noble institution—that he was among the most liberal contributors to the Cincinnati Museum and the town library, both of which, however, proved to be failures.

In 1847 he published a volume of five hundred octavo pages, entitled “Notes on the Early Settlement of the Northwestern Territory,” which is considered as containing much interesting information, particularly as to that part of the territory now constituting the State of Ohio; the progress of which he has witnessed, from a district of about twelve thousand souls, to a state whose population may be estimated at two millions.

On the application of General Lafayette, the friend of Doctor Burnet, the father, and the bosom friend of Major Burnet, the brother of the Judge, he was elected a member of the French Academy of Sciences, a compliment hitherto very sparingly bestowed on foreigners.

HON. RICHARD S. COXE, LL. D.,

OF WASHINGTON, D. C.

MR. COXE holds an eminent position among the distinguished lawyers of the United States. Though his residence for many years, and during the principal portion of his professional life, in the District of Columbia, has not given him the opportunity to receive those marks of political distinction which are generally conferred, in the states of the Union, upon advocates who have attained to similar celebrity, and gained as large a share of general confidence and reputation; yet it has contributed to place him in a sphere where his talents, ability and learning have been brought to the notice of his country, and received its approving judgment, as fully, and with justice as impartial, as if they had been rewarded with the highest professional or judicial honors. At the bar of the Supreme Court, and among the distinguished circle of advocates which that high tribunal collects from every part of the United States, there are few who are so largely engaged in the various cases which are brought before it by its diversified and extensive jurisdiction; nor is there any one to whom they can be entrusted with greater certainty, that no exertion of intelligent industry, no application of legal learning, study and research will be wanting, to their able and eloquent presentation in that forum of ultimate resort.

Though a resident for the last thirty years in the city of Washing-

ton, Mr. Coxe is a native of the State of New-Jersey. He was born in the picturesque and attractive city of Burlington, on the banks of the River Delaware, in January, 1792. He was the second son of the late William Coxe, whose name, though not without merited distinction in the legislative annals of the state, has become most widely known from his successful devotion to agriculture, and especially by his introduction and cultivation of every variety of fruit, and his publications, by which he allured and attracted the notice and industry of his countrymen into paths of horticulture, which, before his day, they had scarcely begun to explore.

His family had been long settled in New-Jersey; indeed, for more than a century it had filled a prominent position in its history. Dr. Daniel Coxe, an English gentleman of ancient connections and considerable wealth, possessed very extensive proprietary rights in the province of New-Jersey before the beginning of the eighteenth century, and he even appears to have been entitled to hold the office of governor in virtue of those rights. He had been the physician to the Queen of Charles II., and subsequently to Queen Anne, and was also a governor of St. Bartholomew's Hospital in London; his portrait, from the pencil of Kneller, still remains in the possession of his descendant at Washington. The conflicts and difficulties which arose shortly after the English revolution, between the proprietaries and the British government, led him at last to assent, and to induce the other proprietaries, none of whom were so largely interested as himself, to surrender to the crown the privilege of government which they had held and exercised; but his extensive domain was not relinquished or impaired, and he was long known by the designation of the "great proprietor;" nor was his political influence destroyed, nor even that of his family, for it continued to be represented in the royal council, probably without an interval, as long as the colony formed a portion of the British empire.

The son of Dr. Daniel Coxe, who bore the same name, succeeded on his father's death to his possessions in America, which he visited in person in the early part of the eighteenth century. In addition, however, to his patrimonial estate in New-Jersey, he inherited a claim to a large tract of country, granted under the name of the Province of Carolina, by King Charles I., in the year 1630, by a royal charter to Sir Robert Heath, his heirs and assigns. Though its boundaries were not defined with accuracy or minuteness, they seem to have embraced the broad valley of the Mississippi from Florida nearly to the Ohio; and even to have extended on the east and west to the shores of both oceans. Colonel Daniel Coxe entertained a sanguine hope of settling this vast region with English emigrants from the Atlantic colonies, and counteracting the plans which had been already commenced by the French and Spaniards on the Mississippi, both at the Gulf of Mexico and in the regions where it approaches the great northern lakes. He promoted, and probably took part in several adventurous expeditions into the vast wilderness, and made every exertion to ascertain correctly the geography, soil and products, and the character and disposition of its Indian tribes. It is a matter of tradition, that two vessels dispatched by him for the purpose of ascending the Mississippi as far as possi-

ble, and bearing the English flag for the first time on that stream, were arrested in their progress by the French already settled in Louisiana, and compelled, at the place which still retains the name of the "English Turn," to retrace their voyage. A curious little volume was preserved in the Library of Congress until the late conflagration, and may still be found in some of our public libraries, in which he has recorded the result of these efforts. It traces the Mississippi from its mouth as far north as the Illinois; describes with unexpected minuteness the rivers which flow into it on either side; depicts the country, with its facilities for trade and agriculture; and anticipates the intercourse that is to occur with the colonies beyond the Alleghany, and the facilities which this is to derive from the chain of northern lakes, and the rivers whose valleys almost interlock in the mountain range. He looks forward at that early period to the vast cultivation of cotton, which he says, "may be turned to great account, and in time perhaps manufactured either in the country or Great Britain, which will render it a commodity still more valuable." What is yet more remarkable, as indicating a judicious forecast, he proposed, at that distant day, a federal union of all the colonies appertaining to the crown of Great Britain on the North American continent; so that, to use his own language, they might be united under a legal, regular, and firm establishment, over which a lieutenant or supreme governor should be constituted, and two deputies be annually elected by the council and assembly of each province, to be in the nature of a great council, and to meet together to consult and advise for the good of the whole. "A coalition or union of this nature," he observed, "tempered with and grounded on prudence, moderation and justice, and a generous encouragement given to the labor, industry and good management of all sorts and conditions of persons inhabiting, or any ways concerned, or interested in the several colonies, will, in all probability, lay a sure foundation of dominion, strength, and trade sufficient, not only to secure and promote the prosperity of the plantations, but to revive and greatly increase the late flourishing state and condition of Great Britain, and thereby render it once more the envy and admiration of its neighbors."

William, the second son of Daniel Coxe, dwelt, during a considerable portion of his life, in the city of Philadelphia, where he married the daughter of Tench Francis, then attorney-general of the Province of Pennsylvania, son of the dean of Christ Church in Dublin, and brother of Dr. Philip Francis, so well known among men of letters as the translator of Demosthenes and Horace. Of this gentleman, RICHARD SMITH COXE was the grandson, being named after his maternal grandfather, who was a merchant of the city of Philadelphia.

During his infancy and early childhood, the feebleness of his constitution scarcely allowed the indulgence of a hope that his life would be prolonged to manhood; but the energy of his character was already apparent in his resolute struggles to resist and overcome his bodily infirmity; and by habitually exposing himself to every vicissitude of weather, by courting all the manly sports and exercises of youth, he succeeded at last in conquering every weakness, so that, during the residue of his life, he has been remarkable for the unusual vigor of his

bodily health. He was only seven years of age when he was placed under the charge of the Rev. Dr. Staughton, at the academy in Burlington, with whom he remained until the age of thirteen; from that time until his admission into Princeton College, the Rev. Dr. Wharton, long known as the learned and estimable rector of St. Mary's Church, in Burlington, aided him with private lessons, and prepared him for matriculation.

In the year 1805, he was enrolled at Princeton as a member of the freshman class, being at that time and for months afterwards, the youngest student in the institution. From his first entrance into college, however, he was influenced by a steady ambition, and throughout his three years' term always maintained a conspicuous position, which was crowned, on his graduation in 1808, with a high and well-deserved honorary distinction. His first instruction in classical literature, while under the care of Dr. Staughton, had not been profound, but his tastes and habits, which had imbedded him from his earliest youth with a strong love of reading, and induced him ardently to cultivate general literature and history, awakened in him a love for the great masters of Grecian and Roman poetry and eloquence, which increased in the progress of collegiate studies, and has been nourished and indulged among the busy occupations of subsequent life. Under the care of President Smith, a gentleman of accomplished manners, and a scholar who, with many elegant and varied attainments; had especially cultivated, and ably and successfully explained the moral and mental sciences; and of Dr. John M'Lean, the professor of chemistry and natural philosophy, who combined the Doric simplicity of his countryman Burns with the same spirit of accurate and searching inquiry into the truths of experimental science which had largely contributed to the fame of Professor Black, whose pupil in Scotland he had been, Mr. Coxe acquired, while at Princeton, a fondness for every branch of study and reflection connected with the moral and physical sciences; this he has ever since retained, and ever continued to indulge in as far as the engagements of his profession have permitted.

The associations of his collegiate days were the basis of friendships then formed with persons of whom many have since risen to deserved distinction. Stevenson Archer, of Maryland, afterwards the distinguished chief justice of that state, and already beloved by all who knew him, for the purity and excellence of his character, was conspicuous among his associates; and in his room-mate and most intimate companion, Charles W. Monk, a native of Canada, he found a friend, who, from his superiority of years, commanded as much deference as by his talents, early and remarkably developed, he attracted admiration, and by his amiable character won and secured respect and love. To these chosen companions of his collegiate life he added several others—some of them students in the same class—whose names have been made familiar to their countrymen by their subsequent eminence and worth. Bishop Meade, of Virginia; Mr. Justice Wayne, who has been alike distinguished in the halls of Congress and on the bench of the Supreme Court of the United States; Mr. Booth, the learned chief justice of the State of Delaware; and Mr. George Wood, who has risen to deserved professional distinction among the bar of

New-York, were some of those with whom ties of youthful friendship were formed at Princeton.

Leaving college on his graduation as a bachelor of arts, at the premature age of sixteen, Mr. Coxe, after an interval of only a few weeks, was entered as a student of law in the office of the late Judge William Griffith, then residing in Burlington, who had been for many years the intimate personal and political associate of his father, and with whose family his own had long been united by close ties of familiar and attached friendship. In the office of Mr. Griffith he zealously pursued, for three years, his legal studies, only diverting his attention to such collateral branches of literary inquiry as were consistent with his intention, already formed, to make success in his profession the object of his undivided aspirations and efforts. Unforeseen reverses in his father's affairs, during the period of his studies, only served to strengthen a resolution which, without them, would have been in accordance with his self-relying spirit and disposition. When he had completed his course of study with Mr. Griffith, he was yet too young to claim admission to the bar, and he removed to Philadelphia with the view of occupying the interval in the larger field of practical observation and instruction which was afforded by its courts. He placed himself under the direction of Mr. Binney, who was already rapidly rising to that distinction and high reputation which he has since attained. He also united zealously and actively in the formation of an association among the legal students of Philadelphia, for the purpose of mutual improvement, which has been ever since continued with advantage and success. The late learned Mr. Duponceau, at the instance of the students, consented to become the president of this association, and to deliver formal written opinions upon questions which were discussed by them before him. For several years he devoted his time and extensive and various learning, with ready generosity, to this duty, and secured for himself the lasting and grateful recollection of those to whom this useful instruction was given, among whom no one has more frequently expressed his sense of obligation than Mr. Coxe.

In the year 1812, a few weeks before he attained his majority, Mr. Coxe underwent his examination, and was admitted to the bar of the Supreme Court of Pennsylvania. His original intention had been to settle himself, at the commencement of his professional life, in the western part of that state; and with this view he had devoted much of his attention to the law of real property, and to the somewhat peculiar legal system connected with the land titles of Pennsylvania. This plan, however, circumstances induced him to relinquish, and he commenced the practice of his profession in the city of Philadelphia, where he remained until the year 1816, when he married a lady who had been the object of his early and long-continued affections, the daughter of Judge Griffith, of Burlington, with whom his first legal studies had been pursued.

Shortly after this event he determined to return to his native state, where, in May, 1817, he was admitted as an attorney and counselor of the Supreme Court. With the encouraging assistance of friends already conspicuous at the bar, and with the reputation already acquired of professional learning and industry, it was not long before he

found himself engaged in several cases of importance; and from the time of his first engagement at the New-Jersey bar until he finally left it, his success was such as to present to a youthful lawyer brighter prospects than those which too generally attend the earlier years of his laborious profession. With many of the distinguished members of that bar he formed or renewed the most friendly relations. From Mr. Richard Stockton, then holding the high position in the profession to which his talents, learning and worth entitled him, he received that valuable aid and friendly consideration which were congenial to his nature, and which largely contributed to lighten the first difficulties of a young lawyer's career. He counted, too, among his friends, Mr. Southard, at that time a judge of the Supreme Court, and afterwards a Senator of the United States, and a member of the administration of Mr. Adams; Mr. Charles Ewing, subsequently chief justice of the state; Mr. Wall, who represented New-Jersey for some years in the Senate; and Mr. Frelinghuysen, then the attorney-general. From the latter Mr. Coxe received the appointment of deputy attorney-general for his native county—a situation which afforded him opportunities for the exhibition of his professional qualifications, and largely extended his acquaintance and popularity; so that his share of the professional business of West Jersey soon became considerable in all of the state courts. Nor was it confined to these; it extended to the Circuit Court of the United States, over which then presided, with distinguished ability, the late Judge Washington, an early friend of his father, who, to the end of his life, continued and exhibited the same friendly regard to his son.

In the year 1822, circumstances occurred which induced Mr. Coxe to contemplate a removal to the District of Columbia. Strong inducements were held out to him to make it the place of his future residence and the field of his professional exertions; and encouraged by the advice of friends, and strengthened by the letters of Judge Washington, Mr. Southard and others, to whom he was well known, and who felt a strong interest in his welfare, he established himself at Washington, in December, 1822. Admitted immediately to the bar of the Circuit Court of the District, and, at the commencement of the ensuing term to that of the Supreme Court of the United States, he plunged at once into the active and engrossing professional occupation which has from that time, without an interval, engaged him. He found himself at that period surrounded by, and associated with, men most eminent in the profession of the law; on the bench, before which he pleaded, sat Marshall, Washington, Johnson, Livingston, Todd, Duval and Story, all of whom, in the progress of his professional life, he has seen gradually pass from that high judicial station; at the bar, his daily associates in forensic discussion were Wirt, Webster, Harper, Ogden, Emmett, Jones, Key and Swann, few of whom now remain to meet him in the scenes of their early and agreeable association.

During the long interval of thirty years that have since elapsed, Mr. Coxe has been engaged in the full practice of his profession in the local courts in the District of Columbia; occasionally in those of the State of Maryland, and constantly in the Supreme Court of the United States. To the extent of his practice and the importance of the cases entrusted

to his charge, the volumes of reports of the latter tribunal, made by Messrs. Wheaton, Peters and Howard, bear a continuous and abundant testimony; they afford, however, most imperfect and inadequate materials from which to form a just judgment of the learning, skill and ability of the advocate, for, with few exceptions, they present scarcely an outline of his arguments, and are confined to a summary of the principal points which he presented, and the authorities he relied on. Among the earliest of them was one which he argued in the year 1825, that circumstances concurred to invest with peculiar interest to himself. It was an appeal from the judgment of the Circuit Court of New-Jersey, in the suit of *Wright v. Denn*, which had been there instituted on the advice of Mr. Stockton, who, in opposition to several eminent counsel, had given a decided opinion in favor of the plaintiff's right, and which, after a contest in the Circuit Court, conducted with equal zeal and ability, had been there sustained. When the case was taken by the defeated party to the Supreme Court of the United States, in the confident expectation that this decision would be reversed, Mr. Stockton was unable personally to participate in the argument in Washington. He confided it to his young friend, with an earnest exhortation to sustain the opinion he had given, as well as the professional reputation of his native state; and this he successfully did, the judgment of the Circuit Court being affirmed without a dissenting opinion. In the argument of this cause, Mr. Coxe met at the bar, for the first time, his old college friend and companion, George Wood. Although natives of the same county, members of the same class at Princeton, admitted to the bar nearly contemporaneously, and pursuing their profession in the same state, yet the practice of the one had been principally in the northern and eastern counties, while that of the other was chiefly in the western circuits; so that they now met for the first time upon a distant field, and before a new tribunal.

It was not long after the settlement of Mr. Coxe in Washington, that a class of cases involving property of great value, and presenting legal and political questions of delicacy and importance, began to occupy the attention of the Supreme Court, which they continued to do for many subsequent years. These were controversies growing out of the cession of Louisiana and Florida to the United States. Not only did they depend mainly upon the local and colonial land laws of Spain, France and Great Britain, but they required a most careful examination and construction of the treaties made with those governments, and the political negotiations which had preceded and accompanied them; so that the advocate was required to master a system of jurisprudence greatly at variance with our own, and to apply to private rights the stipulations of public and political documents, which were wanting in those elements of minute certainty that characterize the statutory enactments which affect the property and rights of the individual citizen. Into this class of cases Mr. Coxe was early drawn, appearing for clients living remote from Washington, and thus invested with a serious responsibility, in addition to that which resulted from the nature of the controversy and the magnitude of the amount involved in it. Though few traces of his elaborate arguments in the many cases of this nature in which he appeared are to be collected from the Reports; yet

the notes preserved by the reporter in the suits of *Forster v. Neilson*, one of the earliest of the class, may afford some evidence of the research and talent by which they were distinguished. In cases, also, which have involved the construction of the Constitution of the United States, and the application of its provisions, not only to the transactions of individuals, but to acts of Congress and the legislation of the states, he has been repeatedly engaged, evincing at all times in his arguments that careful preparation and study which such subjects peculiarly demand, and holding in their discussion a high position among the advocates to whom they have been entrusted.

Though Mr. Coxe, since his residence in Washington, has kept himself aloof from public office, making his profession the exclusive object of his attention; yet in one branch of legal duty, connected with the administration of the government, his services have been engaged on many occasions. In the absence of a legal officer authorized by law to represent the government in prosecutions before courts-martial, he has been engaged in some of the most important cases to fill the post of judge-advocate; and he has discharged its duties not merely with ability as a lawyer, but with that moderation and judgment which are made peculiarly necessary alike by the character of the tribunal, the nature of the alleged offences, and the large discretion which belongs to the office. Among the most important cases in which he was thus employed by the government, were those of Commodore Stewart and Commodore Porter, in the year 1825.

Such has been the professional life of Mr. Coxe—passed in the active and continuous exercise of the various duties of an advocate and a counselor, and attaining, by his integrity, talents and industry, a position which has secured for him the respect of the bench and the bar, and the confidence of those who have profited by his services. In his private life, his conduct has ever evinced a sincere submission to that sense of religious obligation which he has ever cherished; and in his intercourse with his friends, and with all around him, he has constantly exhibited a liberal and hospitable spirit, which has drawn to him, in Washington, a large association with the men of eminence and worth, who have successively passed across that changing scene during the thirty years of his residence there. Having experienced many years since the death of the lady to whom he was married in his youth, Mr. Coxe continued a widower until the spring of 1840, when he formed a second matrimonial connection with Mrs. Susan R. Wheeler, the daughter of the late and sister of the present Mr. John Warren, of New-York—a lady whose intelligence, manners and disposition have largely added to the attractions of the social circle which he has gathered around him. His eldest daughter was married some years since to Major Weightman, now a delegate in Congress from the territory of New-Mexico, and whose gallant conduct was particularly conspicuous throughout the brilliant campaign in which Colonel Doniphan, with his little army of adventurous spirits, achieved some of the most romantic exploits that characterized the war with Mexico.





Eng^d by H. S. Sudd

HON. REUBEN H. WALWORTH.

THE LATE OF THE NEW YORK CHANCERY.

Eng^d for H. S. Sudd, by H. S. Sudd, at H. S. Sudd, New York.



HON. REUBEN H. WALWORTH,

THE LAST OF THE NEW-YORK CHANCELLORS.

UNDER a government like ours, where there are no privileged classes, and where no hereditary distinctions exist, it very frequently happens that the most important and responsible offices are held by those of whom it may very properly be said, they have been the pioneers of their own fortunes—men who have received little or no assistance from wealthy or influential relatives, but who are indebted for their success in life to their own industry and perseverance. Indeed, this is generally the case in the United States; and it is easy to see why it should be so. Native talent is not confined to any class of society; though, as a general rule, it may reasonably be presumed that the children of intellectual parents will have more natural talent than the children of the ignorant, the stupid, or the imbecile. The sons of the wealthy, however, or of those who occupy situations of great power or influence, are too often found to rely upon the wealth or the influence of their parents, and seldom acquire those habits of industry, perseverance and energy which are essential to success. On the other hand, those whose parents are poor, or belong to the middle classes of society, being early taught the necessity of relying upon their own exertions, will be more apt to acquire that information and those business habits which alone can fit them for the discharge of important public trusts, and that industry and perseverance which usually ensure success.

The subject of this biographical sketch was the third son of Benjamin Walworth; and as many of the children and descendants of the latter have been members of the legal profession, or otherwise connected with the administration of justice, it may not be improper here to give a brief account of his family.

Benjamin Walworth, who was the youngest of nine brothers and sisters, was the grandson of William Walworth, of Groton, in Connecticut, who came to this country, from the neighborhood of London, near the close of the seventeenth century, with Governor Fitz John Winthrop. He lost his father in 1750, when he was only four years of age. He learned the trade of a hatter, and worked at it for several years after he arrived at manhood. In the early part of the Revolution he was adjutant of Colonel Stevens' New-York regiment, in the service of the United States, and was in the battle of White Plains. After the term of service of the regiment had expired, he was engaged in merchandise for a few years, but relinquished it soon after his marriage, and became a farmer, which business he followed until his death, in 1812, leaving a small patrimony to each of his ten children. He was for many years an active politician in the county of Rensselaer, where he resided for the last thirty-nine years of his life; and was a supporter of the administrations of Jefferson and of Madison, and usually filled some of the local offices in the town where he resided. He was also

a personal, as well as a political friend of the first Governor Clinton, afterwards Vice-President of the United States, and of his brother, General James Clinton, with whom he became acquainted in early life, while boarding with a near relative of theirs at Poughkeepsie.

He married Apphia Hyde, a daughter of the Rev. Jedediah Hyde, a Separatist, or Baptist clergyman, of Norwich, who, at the time of her marriage, was the widow of Samuel Cardell, of Bozrah. On her father's side she was descended from William Hyde and Matthew Marvin, two of the first settlers of Hartford; and through her maternal grandfather, Joseph Tracy, the second son of Mary Winslow, who married the first John Tracy, of Norwich, she was the fourth in descent from Mary Chilton, who came to Plymouth in the Mayflower, in 1620, and married John Winslow, a brother of the governor.

Mrs. Walworth was a very talented and intellectual lady, and had received as good an education as it was usual for any females to receive previous to the Revolution; and she was very careful to infuse into the minds of her children the principles of morality, religion and virtue, and to inculcate those habits of prudence, industry and perseverance, which were afterwards so conducive to their success in life after they left the paternal roof.

William S. Cardell, her only child by her first husband, but who died many years since, became a distinguished scholar and teacher, and was the author of some valuable school-books and other literary and scientific works. Major John Walworth, her first son by the chancellor's father, was an officer in the army of the United States during the last war with England, and distinguished himself at the taking of Little York, where he led the advances under the command of General Pike, and was wounded by the side of that gallant officer at the time that the latter was killed. At the close of the war he left the army and settled at Plattsburgh, and was subsequently elected to the office of clerk of Clinton county, and continued to be elected from time to time until 1829, when he was appointed assistant-register of the Court of Chancery. He held this last office until his death, in 1839, and discharged its duties to the perfect satisfaction of the court and the bar.

James Clinton Walworth, the second son, is a successful farmer in the county of Otsego, and was for many years a judge of the Court of Common Pleas of that county. Benjamin, the fourth son, is a distinguished physician and surgeon, residing at Fredonia, and was for several years one of the associate judges of the county of Chautauque. Jedediah H. Walworth, the fifth son, was a member of the bar of Washington county, but died in 1827, a year or two after he was licensed to practice. Hiram, the youngest son, was, during the life of his brother, the assistant-register, his deputy. He had the exclusive management of the financial concerns of the office, and the investment and control of several millions of money which were brought into court in the city of New-York; which duty he discharged with great prudence and fidelity. Upon the death of his brother, he succeeded him in the office of assistant-register, which he held until he was induced to resign it on account of the loss of his sight. Oliver L. Barbour, the present reporter of the Supreme Court, is a son of the oldest

daughter; and Chancellor Walworth has three other nephews who are members of the bar in this state, and another who is a member of the profession in Wisconsin.

Reuben Hyde Walworth, the late chancellor, was born on the 26th of October, 1789, at Bozrah, a part of the nine miles square originally embraced within the bounds of the town of Norwich, in Connecticut; and in February, 1793, he removed with his father's family to the town of Hoosick, in the State of New-York. He was brought up a farmer until the age of seventeen, with no advantages of education but such as could be obtained by attending the ordinary public schools of that day, during that part of the year when his services were not required on the farm. "Yet so anxious was he to get an education that, at the age of twelve, he went from home and worked through the winter, mornings and evenings, for his board, that he might have the advantage of a better common school than that in the vicinity of his father's residence. At the age of sixteen, he was himself a teacher of a village school during the winter months. He was also engaged in the same employment during the following winter." The only classical education which he ever received was for about fourteen weeks, while he was for the first time engaged in the business of school teaching himself. During that time, when he was not engaged in his school, he studied the Latin language and mathematics, under the advice and direction of Mr. Cardell, his half brother, who had received a liberal education.

To a disability similar to that which the unrivaled success of the great Scotch novelist is attributed, the people of New-York were indebted for the last of their chancellors. In the summer after he attained his seventeenth year, he met with an accident which incapacitated him for a long time from working on a farm, and changed the whole course of his life. While engaged with an elder brother in drawing in a load of wheat from the harvest field, the loaded wagon was overturned, and both the wheat and the wagon were thrown down a precipice. Being on the top of the load, he, with his brother, was pitched down the precipice with it, and fell beneath the load of grain and the wagon, by which one of his ankles was so badly injured that his parents supposed he would be a cripple for life.

As soon as he had sufficiently recovered from the effects of this accident, which had unfitted him for farming, as to be able to engage in any other business, he went into a country store for a short time as a clerk. While there, he became acquainted with an attorney in the neighborhood of the store, and he then determined to endeavor to overcome the obstacles of a defective education, and to prepare himself for the bar. He entered his name with the attorney, and continued to study law under the direction of the latter for a few months, while he continued to discharge the duties of a merchant's clerk. But as the lawyer under whose direction he commenced his legal studies possessed very few books, and not a very extensive practice, he finally induced his father to furnish him the means of pursuing his studies at what was then the village of Troy—the place where the courts of the county were held, and where there were several lawyers of eminence in their profession.

In the selection of an office in which to pursue his legal studies, he was particularly fortunate in obtaining a first-rate legal instructor, whose office has become somewhat celebrated for the number of judicial officers who have received the whole or some part of their professional education there. The gentleman whose office he entered at Troy, and who had recently removed from the county of Washington, was Mr. John Russell, formerly state's attorney for the northern district of New-York, who died in the prime of life some forty years since. This gentleman, whose name as counsel frequently appears in the first ten volumes of Johnson's Reports, was one of the eminent lawyers of his day, and was said to be the best common law practitioner in the state. Hence, although Mr. Walworth was the only student in the office at the time when he first entered it, he had six or seven associates before he left there, three years afterwards. Among them were two others who have filled high judicial stations—William L. Marcy, afterwards one of the justices of the Supreme Court of the State of New-York; and George Monell, who subsequently was the chief justice of the State of Michigan, were among the number.

John Woodworth, who became the attorney-general of the State of New-York, and was subsequently a judge of the Supreme Court, built the office, and occupied it for several years; and Chief Justice Savage, and Nathan Williams, for many years circuit judge for the fifth circuit, as well as Mr. Russell, who subsequently owned and occupied the same office, were among the students who received their legal education therein.

For the purpose of enabling him to pursue his studies to greater advantage, Mr. Walworth, when he commenced his studies there, had a sleeping-bunk placed in the office, and lodged there most of the time during the three years he continued to be a student with Mr. Russell. At the end of the first year he had been so successful in acquiring a knowledge of the practice and of legal principles, that his legal instructor entrusted him with the whole charge of the office, and with the drafting of all the ordinary pleadings and proceedings; and at the end of the second year he voluntarily offered him a year's board, on account of the services he performed beyond what was usually expected of students preparing themselves for the bar. At the age of twenty he was admitted to the bar of the Court of Common Pleas, and, in connection with Mr. John Palmer, who was licensed as an attorney of the Supreme Court about the same time, he commenced the practice of the law at Plattsburgh, in the county of Clinton.

Mr. Russell, who, in his official capacity of public prosecutor or district attorney for the northern district of New-York, had frequently visited Plattsburgh, and was well acquainted there, gave to his late student letters of introduction to some of the most influential gentlemen of Clinton county, strongly recommending him to their patronage and support, as a talented, industrious, and well-informed young lawyer. This enabled him to get some legal business at once, without those harassing delays which so often discourage young gentlemen of the bar at the commencement of their professional career. But according to the then practice of the courts, process was only made returnable at the regular terms; and no trial, or even judgment by default, could be

entered thereon until the second term after the return of the *capias*. The firm of Palmer and Walworth, therefore, had no suits of their own to attend to in court, until about nine months after they first located themselves at Plattsburgh. Mr. Walworth, however, was not idle in the meantime.

Soon after he removed to Plattsburgh he was attacked by an epidemic that then prevailed there, and was prostrated thereby for three or four weeks, which is the only severe sickness that he has ever experienced of more than a day or two's continuance. That epidemic proved fatal to many adults; and, among others, to one of the members of a legal firm in an extensive practice, who usually attended to the argument and trial of the co-partnership causes. Shortly after Mr. Walworth had recovered from his sickness so far as to be able to attend to business, the surviving member of that firm applied to him for professional assistance, informed him that his deceased partner had left him with about twenty causes to be argued upon questions of law, or to be tried by jury, at the term which was to be held in the ensuing month. And although he was offered only the stinted fee of fifteen dollars for the service, Mr. Walworth readily accepted the offer, wisely concluding that what he failed to receive as an adequate pecuniary compensation, would be made up to him in professional reputation as a source of future profit. He accordingly prepared himself for the trial and argument of all those causes, and at the next term of the court performed the service required of him to the perfect satisfaction of his employer, and also of the clients. The result was, as he had anticipated, that he secured to his own firm the future business of many of those clients. It also brought him to the notice of many business men of the county, who attended court at that term, as an energetic and talented young lawyer, to whom they or their friends might safely entrust the prosecution or defence of their legal rights.

The other member of the firm, Mr. Palmer, who was likewise a man of talent, and a good advocate, assisted in the trial and argument of some of the causes, by which he was also brought to the notice of the public. From that time business began to flow into their office rapidly; and during the eleven or twelve years that the co-partnership of Palmer and Walworth continued, no legal firm in the county did a more profitable professional business.

Although Mr. Walworth made it a rule to accept no office or employment which would interfere with his professional business and his duty to his clients, and frequently declined the offers of his friends to present his name as a candidate for the state legislature, he readily availed himself of the offer of local offices connected with the law, the duties of which could be discharged by him without interfering with his practice in the courts.

Two years after he settled at Plattsburgh, he was appointed by Governor Tompkins a justice of the peace for the county of Clinton, and a master of the Court of Chancery. Both of these offices he held, with the exception of a single year, until his appointment as circuit judge, in the spring of 1823. In 1817 he received the appointment of notary public. In the ensuing year the legislature passed a law creating the office of commissioner to perform certain duties of a judge of the Supreme Court,

for the northern part of the state. And shortly afterwards Governor Clinton tendered that office to Mr. Walworth, which he accepted.

The writer of a recent biographical sketch of the late chancellor says, that "in confidence of his ability, by his professional talents, to sustain the burthens and expenses of a family, Mr. Walworth, soon after he became a lawyer, formed that happy matrimonial connection, the dissolution of which, by the death of his wife, in 1847, may be deemed the greatest misfortune of his life. Though he lost, in 1812, by the accidental destruction of his house by fire, all the avails of his previous labors, events soon proved that his reliance on his own powers were not misplaced. He had at once entered on a most successful practice, which would have conducted not only to professional eminence, but to pecuniary affluence, had he not, at an age at which few young men can be considered to have seriously engaged in the business of life, been called by his fellow-citizens to the councils of the nation, his labors in which had scarcely terminated before his talents were demanded in the then new organization of the judiciary of the state."

The lady above alluded to, who became the wife of Mr. Walworth, in January, 1812, a few days after she had entered upon her seventeenth year, was Maria Ketchum Averill, the eldest daughter of Mr. Nathan Averill, of Plattsburgh. And as the success in life of every one, particularly of a professional man, is intimately connected with the selection which he makes of a wife, it may not be inappropriate here to introduce the following extract from a published sermon, upon the occasion of the death of the late Mrs. Walworth. In reference to her domestic and social character, her pastor says:

"In all the relations of the family circle she was most faithful and successful; as daughter, wife and mother, she will be mourned by those who survive, as few are mourned.

"In her native character, there was an uncommon loveliness, most attractive to all around her, making it easy for her to secure the friendship of her acquaintances; and an artlessness and ingenuousness which were certain to retain the affection which had been gained. Few persons, it is believed, had so many warm friends. These are all left with bleeding hearts to seek to comfort each other with the recollection of the virtues of the departed.

"Perhaps if any single trait of her character were to be specified as surpassing all others in distinctness and excellence, her philanthropy, her almost unbounded benevolence, should be named. And yet this was the result of a combination of qualities of the highest order, and was merely the exhibition of these in action. Her liberality was of the kind which shrinks not from sacrifice. She was ready at all times to deny herself personal gratification, that she might thus add to the already large amount which every year she contributed for human happiness. She had a heart open to every demand of charity. She did not overlook the heathen because they are far away,—her attachment to the missionary cause, and to missionaries themselves, will be attested by many a herald of the cross in the distant parts of the world. At the same time she did not overlook the wants of those suffering around her, nor did she shrink from labor and toil in their behalf. She went to the houses of the poor and needy, dispensing her charity everywhere,

and making it doubly precious by her sympathy and kindness. In this, she was, all her life, a model most worthy of imitation. There was no claim upon her kind feeling or benevolent action which was not at once promptly met. Everything especially which related to the poor and the degraded, awakened her warmest sympathy. In the Sabbath-school cause she was deeply interested, as the tears of the little children crowding around her lifeless body bore witness. For the poor inebriate she felt great solicitude,—some, reformed by her influence, live to call her their best earthly benefactress, and to lament her death. With her dying hands she made a generous contribution, I believe the last of a public nature, to relieve the wants of the suffering families of the intemperate. There was no impulse in her manner of giving and acting for her Master,—it was the natural, every-day movement of her soul. Her name became a proverb among us for beneficence, and as such, cannot be forgotten until all have followed her to the grave who knew her. She seemed to be acting continually as if she would merit the language of approbation which the Master bestowed upon one of her sisters in olden time: ‘She hath done what she could’—and who among us has better deserved it?”

By this lady, Chancellor Walworth had two sons and four daughters, all of whom, except the youngest daughter, who died at the age of five years, are still living.

In the spring of 1851, Chancellor Walworth formed a second matrimonial connection with Mrs. Sarah Ellen Hardin, of Jacksonville, in the State of Illinois, the talented and accomplished widow of the late Col. John J. Hardin, of the first regiment of Illinois volunteers in the late war with Mexico, who fell at the battle of Buena Vista, and who was one of the most distinguished members of the bar in the western states. By this lady the late chancellor has one son.

But to return to his early professional history and pursuits. Residing near the northern frontier of the United States during the late war with England, which commenced in 1812, and lasted three years, and Plattsburgh being a military post during most of the time, he became acquainted with many of the officers of our army, and was frequently employed by them as their professional adviser, and often extricated them from difficulties in which they became involved with citizens.

In the spring of 1814, while the army, under the command of Maj. Gen. Wilkinson, was stationed at Plattsburgh, a subaltern officer belonging to the British army came to that place in the character of a deserter, and in the disguise of a common soldier, and as such received a permit from the commanding officer to pass into the interior as far as Albany; but his real object was to ascertain the number and situation of our army on the northern frontier, and to learn the progress which had been made in the construction of the vessels of war which our government was then building at Vergennes for the lake service. Having accomplished the object for which he came out, he was returning into Canada, in a citizen's dress, with the information he had obtained, when he was recognized and arrested within a few rods of the British lines, and was brought back as a prisoner to the American camp at Plattsburgh. A general court martial was immediately ordered for his trial. And such was the standing which Mr. Walworth had already acquired at the bar, although

he was not yet entitled to an admission as a counselor of the Supreme Court, that he was selected and appointed by General Wilkinson as the judge advocate to conduct the proceedings upon that important trial, and on the trial of a colonel in the army, whose case was to be brought before the same military tribunal. Those services were performed with credit to himself, and to the entire satisfaction of the commanding general; and the unfortunate Lieut. Baker was condemned and executed as a spy of the enemy.

The village in which Mr. Walworth resided was twice visited by the enemy during that war; and, as might be expected from what has been before stated, he could not remain a mere spectator when his country was not only engaged in what he deemed to be a just war, but was actually invaded by the enemy's troops. He sought for and obtained the appointment of aid to Major-General Mooers, with the rank of major in the militia of the state. He was in the service of his country in that capacity in 1813, when a brigade of the enemy, under the command of Colonel Murray, landed at Plattsburgh, and destroyed the arsenal, and the barracks at Pike's cantonment. But General Mooers, and the small body of militia which was called out at that time, were obliged to retire before a much superior force.

When the British again invaded the northern part of New-York with an army of 14,000 regular troops, in September, 1814, and came as far south as Plattsburgh, Brigadier-General Macomb, who had been left by General Izard in command of the forts at that place with a garrison of 1,500 regulars, made a requisition upon Major-General Mooers, under authority from the President, to order into the service of the United States his whole division, with the exception of the brigade in Columbia county. The division was called out accordingly; and Gen. Mooers, being the superior officer, took the command of the militia called out, and of such volunteers as arrived at Plattsburgh previous to the retreat of the enemy, though he left General Macomb in command of the forts. Major Walworth, who was still one of the aids of the major-general, was assigned by the latter to discharge the duties of adjutant-general of the forces under the command of the latter.

When we recollect the despondency which the capture of Washington, and the destruction of the capitol by the British, during the preceding month, had universally created, and when we connect the victory of Commodore McDonough, on Lake Champlain with the achievements of the militia and volunteers under Major-General Mooers, and of the regulars under Brigadier-General Macomb, the occurrences at Plattsburgh must be reckoned among the most glorious events to which the war of 1812 gave rise. The whole American forces consisted of 700 militia and 1,500 regulars, while the British troops amounted to 14,000; a disparity even far surpassing that at New-Orleans.

On the evening of the 5th of September, the right wing of the British army was advanced on the Beekmantown road to within seven or eight miles of the village of Plattsburgh. Sometime in the evening Major-General Mooers, whose head-quarters were on the same road, some two or three miles nearer the village, expressed his regret that he had no regular troops to support the militia and volunteers in the anticipated conflict with the advancing enemy the next day. The acting adjutant-

general immediately volunteered his services to proceed at once to Brigadier-General Macomb's quarters at the village, and near the forts, with an order for him to detach two or three companies of infantry and one of light artillery from the garrison under his command, and that they should report themselves to General Mooers at Beekmantown the next morning. An order to that effect was accordingly made out, and Major Walworth proceeded at once to General Macomb's quarters and delivered such order. The night being very dark, he did not deem it prudent to attempt to return to Beekmantown that night. He slept upon the floor of his own deserted mansion in the village until daylight, and then rode back to head-quarters.

He had just finished a light breakfast, when information was brought that the enemy was upon the advance. He was thereupon ordered by the general to select two companies of the Clinton county regiment of militia, and proceed about a mile to the creek which crossed the road, and take up the bridge, so as to retard the advance of the enemy's artillery. The order was promptly obeyed, so far as to proceed to the place indicated by the order. But just as the detachment under the command of Major Walworth commenced the destruction of the bridge, the enemy approached in force and commenced firing upon them, wounding two of the detachment severely, and one of them mortally. The fire was returned; and the detachment was then ordered to fall back to where Major Wool, with about 150 regulars, who had been detached from the garrison under the order of the evening previous, had already arrived and was stationed.

The regulars were then formed in the highway, and with the detachment of militia on their flanks, waited the approach of the enemy, when a heavy fire was opened upon the head of the British column and momentarily arrested its progress. But the brigade of the enemy which was advancing being 3,500 strong, the regulars under the gallant Wool, as well as Major Walworth's detachment of militia, were soon compelled to give way and fall back to where the commanding general, with the main body of the militia and volunteers, was stationed. At that point the fighting became general, and continued so at intervals until the enemy's forces reached the village, and our troops had placed themselves behind the Saranac, which runs through the village north of the forts.

In a published account of this battle of the 6th of September, 1814, commonly called the Battle of Beekmantown, Major Walworth is specially named as one of the officers who, in connection with Major Wool, succeeded in rallying the militia and regulars that awaited the approach of the enemy at Culvus Hill, about four miles from Plattsburgh; which position was maintained with so much firmness as to compel the enemy to fall back for a time. It was then that the gallant Willington, Lieut.-Colonel of the 3d. Buffs was killed, while leading his regiment to the charge against our forces, and where several British officers were wounded.

Major Walworth was also in the battle of the 11th of September, when a British brigade, under Major-General the Baron De Rottenburgh, crossed the Saranac at Pike's cantonment; and where, in the language of General Macomb, "they were repulsed by the brave vol-

unteers and militia, and suffered severely in killed, wounded, and prisoners." Shortly before that action, he had been sent by General Mooers to order the Vermont volunteers, then upon the lake shore, to take a position on the Saranac, at the place where the battle afterwards commenced. While in the performance of that duty he had the pleasure of witnessing the termination of the naval engagement on the lake; and he brought to his commanding officer, just as the enemy approached the river to cross, the first intelligence of the result of that engagement, which not only secured to us the command of Lake Champlain, but, with the evidences of bravery and prowess already exhibited on the part of the militia as well as the regular army, left to the enemy no hope of a successful invasion of our country. After the termination of the war, Major Walworth received a commission from Governor Clinton, appointing him division judge advocate, with the rank of colonel.

As we have already seen, Mr. Walworth sprang from a democratic stock; and he has from his boyhood continued to be a consistent member of the democratic party, though many of his most devoted personal friends belonged to the party to which he was politically opposed. He has seldom been a candidate for any political office, and never when there was any probability of success at the time of his nomination.

But in 1821, in connection with General Pitcher, who was afterwards lieutenant-governor, he was elected to the Congress of the United States, from the double district comprising the counties of Washington, Warren, Clinton, Essex, and Franklin. And some idea of his personal popularity at that time may be formed from the fact, that he everywhere was a-head of his ticket, and was elected by about 1,200 majority over the highest of the opposition candidates, in a district where the majority given the year previous for the political party, to which such opposition candidates belonged, was much larger the other way.

During the two years, from 1821 to 1823, that Mr. Walworth was in the House of Representatives, it may be safely affirmed that no member of Congress was more indefatigable in the performance of his public duties. It would be difficult to find any occasion, where the yeas and nays are recorded, in which his name is omitted. Scarcely a day passed, in which the journals do not attest his presence by a reference of the petitions presented by him, many of which came from his immediate constituents, and to which, as arising from the invasion of our state during the then recent war, he himself, an actor in the memorable events at Plattsburgh, could not be insensible; by the resolutions which he offered on matters interesting to his district, the state, or the Union; and by the reports which he made on behalf of the military committee—to which he was appointed early in the session, on the resignation of General Solomon Van Rensselaer, and of which he was thenceforward the most prominent member.

It was in the discharge of these duties that he had occasion to bring to the notice of Congress the heroic achievements of a gallant band of his fellow-soldiers, at the siege of Plattsburgh, composed—like the *garde mobile*, during the late struggle in Paris—of youths below the ordinary

age for military duty, of volunteers between 15 and 17. He asked for each of them, what Gen. Macomb had promised on the field of battle, a rifle, as a memento for his services. The act obtained the assent of the House, but it was not until a subsequent session that it became a law, through the exertions of the Hon. Aaron A. Ward, of Westchester, who, as an officer of the regular army, had participated in the defence of Plattsburgh.

In December, 1821, before he became a member of the military committee, a resolution of the House had instructed that committee to inquire and report whether the army had been reduced according to the provisions of the act of March, 1821, to reduce and fix the military peace establishment. After Colonel Walworth was substituted in the place of the member of the committee who had resigned his seat in Congress, he was requested by the chairman, Dr. Eustis, who had himself been at the head of the war department a few years previous, to examine the legal objections which were made to the manner in which Mr. Calhoun, the then Secretary of War, had carried into effect the law for the reduction and reorganization of the army. He subsequently prepared a very able report on the subject, fully sustaining the legality of the course which had been pursued in reducing the army; although one of the decisions of Mr. Calhoun involved the dismissal from the service of a distinguished officer, who had been, and still was, one of Colonel Walworth's personal friends. This report received the approbation of Dr. Eustis, and most of the other members of the military committee; and the member who had prepared it was instructed to present it to the House.

This report, however, gave offence to a distinguished individual whose feelings had become strongly enlisted upon the other side of the question, and in hostility to Mr. Calhoun; and at whose request, as was supposed by the friends of the Secretary of War, the resolution of inquiry had been brought before the House. To this course alone the late chancellor attributes the unfriendly feelings of that gentleman; and which induced him a few years since to exert his influence as a senator of the United States, to prevent a confirmation of the nomination of Mr. Walworth as one of the associate justices of the Supreme Court.

It was within the scope of Mr. Walworth's congressional duties, not only to defend the conduct of General Jackson, as governor of Florida, in the imprisonment of Colonel Callava, who, at the instigation and in connivance with others, attempted to defraud the orphan daughter of a deceased Spanish officer, by carrying off the papers containing the evidence of her rights in a suit pending in the military tribunals of the territory, but he also had an opportunity to sustain, against the assaults of political opponents, the Indian Agency of General Cass, in Michigan, and thus early to vindicate the public services and unimpeachable fame of that distinguished individual.

In connection with his friend and colleague, the late William B. Rochester, who was subsequently the democratic candidate for governor, he succeeded in defeating the attempt of one of the federal representatives of the state to deprive of their pay the officers of the court martial, which had tried and condemned the recreant militiamen, who had refused to turn out at the call of their country, when the state was invaded by

the British army. But one of his happiest efforts on the floor of Congress, was his speech, in January, 1823, in favor of the bereaved sister of Lieutenant Allen, who was killed by the pirates, and whose mother had died before the contemplated provision in her behalf could be passed. "I hope and trust," said he, "that the sister whose desolate situation gave an additional pang to the heart of the dying hero—she, who has thus been deprived not only of the support of a kind and worthy brother, but also of the guardian care of a pious and affectionate parent, may receive that bounty which Congress intended to bestow upon the mother."

Though he voted against the bankrupt law, which was proposed while he was in Congress, he offered to meet the recent decision of the Supreme Court of the United States on the insolvent laws, by providing, by an amendment to the Constitution, that, "till Congress shall establish uniform laws on the subject of bankruptcies throughout the United States, it shall be lawful for the several states, or any of them, to enact bankrupt laws, in the same manner, and with the like effect, as they might have done previous to the adoption of the Constitution of the United States.

Mr. Walworth gave his vote in favor of an appropriation to enable the President to recognize the independence of the Spanish American states. He also called the attention of the House of Representatives to the British act of 5th August, 1822, which imposed upon our trade with Canada the most onerous restrictions, and by his course led the way to the assertion of our right to the navigation of the St. Lawrence—a right of inestimable value to the citizens of northern New-York.

By the constitution of 1821, which went into operation on the 1st of January, 1823, the organization of the judiciary was materially affected; and by its provisions, a circuit judge was required to be appointed in each of the eight senatorial districts. The duties of these judges were not only to preside in the Courts of Oyer and Terminer, and to try civil causes at Nisi Prius, but they were made, subordinate to the chancellor, equity judges in their respective circuits. Mr. Walworth was appointed judge of the fourth circuit, and immediately removed to Saratoga Springs, his present residence.

It is foreign to our intention to enter upon an analysis of Judge Walworth's judicial services. During the five years that he acted as a circuit judge, opportunities occurred to extend the reputation which he had previously acquired at the bar and in Congress. The charges and sentences of the court were extensively circulated in the cases of the Thayers and of Vedeto, and to which, from the heinousness of the culprits' guilt, general attention was attracted. The sentence of the court in the former case is published in a popular treatise on elocution, as a specimen of judicial eloquence. Though the decisions of the circuit judges were not embraced within the purview of the State Reports, yet such was the ability with which Walworth already grappled with the niceties of chancery law—such the extent of his attainments in all the cognate branches of jurisprudence, that with regard to him an exception was made, and the reporter, the late Judge Cowen, introduced some of them with the declaration, that no excuse need be made for laying before the profession "such able and luminous discussions."

In 1828, on Chancellor Jones' retiring from the office of chancellor, Judge Walworth naturally supposed that the office would be filled by one of the justices of the Supreme Court, and that his friend, and former colleague in Congress, General Pitcher, then the acting governor, would offer him the vacant seat upon the bench of the last mentioned court; which office he would have accepted without hesitation. But on calling at the governor's room, as he was casually passing through Albany, he was surprised with an offer of the appointment of chancellor. He at once told his friend, the governor, that he ought to give the office to Chief Justice Savage, who was every way competent to discharge the duties thereof; and that if he preferred to retain the situation of chief justice, Mr. Justice Sutherland should be appointed. And it was not until both of those gentlemen had been consulted, and had absolutely refused to undertake to discharge the arduous and responsible duties of the office of chancellor, that Mr. Walworth, after some hesitation, consented to accept the highest judicial office in the state. As Mr. Justice Woodworth would in a few months be constitutionally disqualified to hold the office, it was not deemed necessary to consult him on the subject.

Chancellor Walworth received his appointment on the 22d of April, 1828, just five years from the time he accepted the office of circuit judge, and on the 28th he held his first court as chancellor, and delivered written opinions in several cases which appear in the reports.

In his address to the bar on assuming his seat, he thus modestly referred to his past and present position: "Brought up," says he, "a farmer till the age of seventeen, deprived of all the advantages of a classical education, and with a very limited knowledge of chancery law, I find myself, at the age of thirty-eight, suddenly and unexpectedly placed at the head of the judiciary of the state—a situation which has heretofore been filled by the most able and experienced members of the profession."

As chancellor, not only was he called upon to decide upon the many complicated questions growing out of trusts, frauds, and the various other branches of equity jurisprudence, and also all matters involving the rights of infants and lunatics, as well as appeals from the surrogates of the fifty-nine counties of the state, and who administer what in England is a distinct branch of jurisprudence; but, as a member of the Court of Errors, he was required to review all the intricate legal decisions which had been passed on by the Supreme Court, and as to which either of the litigating parties might be dissatisfied.

Chancellor Walworth's adjudications in his own court are collected in the fourteen volumes of Paige and Barbour, while the opinions which he pronounced in the Court of Errors are to be found in the thirty-eight volumes of Wendell, Hill and Denio. The reported cases, however, constitute but a small portion of the decisions made by him during the twenty years he held the office of chancellor. In addition to the oral decisions made in open court upon the close of the argument, or in cases where a mere memorandum of the decision was indorsed upon the papers, his written opinions fill thirty-nine large folio volumes in manuscript. By a report made to the senate, in 1836, it appears that the number of decrees, and decretal orders, and other special orders

and decisions made by the chancellor in one year only, including decisions in cases brought before him on appeals from vice-chancellors and surrogates, was eleven hundred and forty; of these one hundred and thirty-eight were decrees made in calendar causes. But his calendar causes did not embrace his numerous decisions in cases upon appeals from interlocutory orders of vice-chancellors; which appeals were heard at the motion terms of the court, and were not placed on any calendar.

No one can examine the volumes which contain Chancellor Walworth's reported adjudications, without being satisfied, not only that he is a profound lawyer, but that his attainments in all collateral branches of learning are most extensive; and that in no respect does he yield to any judge by whom the judicial annals of our state have been illustrated. To learn the general sentiments of the profession, it is only necessary to recur to what may be every where found conceded in the contemporary reports of other states. We have the authority of the late Justice Story, given at a time when he expected to have him as an associate on the bench of the Supreme Court of the United States, for asserting that "Walworth is the greatest equity jurist now living;" and his own illustrious predecessor, Chancellor Kent, did not hesitate to bear the most ample testimony to the merits of his decisions, declaring that he had referred to them in his Commentaries, wherever he could make them apply, and adding in reference to them, "I am proud of my own native state."

Although Chancellor Walworth owed nothing to colleges in early life, the most celebrated universities of the country have vied with one another in according to him their highest distinctions. In 1835 the degree of LL.D., was conferred on him by the college of New-Jersey, at Princeton; and the same honors have been since bestowed on him by Yale College at New-Haven, and by Harvard University at Cambridge.

In all associations for ameliorating the moral condition of mankind, Chancellor Walworth has been a prominent and efficient actor; but by no trait is he more distinguished than by the extent of his benefactions, and which, considering his limited means, may be deemed truly munificent. Though to the religious denomination with which he is connected, his contributions have been most ample, amounting in one case to \$2,000, his charities have been limited by no sectarian standard. After the ravages of the yellow fever in New-York, in 1819, Mr. Walworth, then a young lawyer at Plattsburgh, sent unsolicited a draft for \$100 for the suffering poor, accompanied by a letter to the mayor, the Hon. Cadwallader D. Colden, which was published at the time to induce others to do likewise, and from which we learn the fact of the donation.

Chancellor Walworth was among the foremost to stimulate his countrymen to afford efficient relief to the people of Ireland, when suffering from the famine of 1847. He acted as one of the vice-presidents, and addressed the meeting at Albany on the 12th of February, 1847, at which the governor of the state presided. Before leaving that city he sent to the committee a donation of \$200, accompanied by a letter indicating the most advantageous mode of its application, and on his return home, he presided at another meeting, convened at Saratoga Springs, for the same object. He shortly afterwards made another

remittance, for the suffering people of Scotland, to the president of the St. Andrew's Society of New-York, and which was publicly acknowledged at the time.

He was one of the earliest friends of the temperance cause; and at the organization of the State Society in 1829, he was its first presiding officer; to which situation he was annually elected until his appointment as president of the American Temperance Union, in 1843, upon the resignation of General Cocke, of Virginia. For many years he has been one of the corporate members of the American Board of Commissioners for Foreign Missions; and is one of the most active and influential lay members of that board. Since he left the bench, he has been elected to the situation of one of the vice-presidents of the national Tract Society. He is also a vice-president of the American Bible Society; and a corresponding member of the British and Foreign Temperance Society. More than thirty years since, he made a profession of religion, and united with the Presbyterian Church, and is now one of its elders.

Though Chancellor Walworth did not deem it consistent with the character of his judicial station to enter into the arena of active politics, he was not, during the twenty-five years that he occupied a seat on the bench, insensible to the interests either of his party or of his country. When, in 1832, a collision arose between the Supreme Court of the United States and the State of Georgia, growing out of the Indian titles in that state, and which led to the imprisonment of certain missionaries, Chancellor Walworth, who, as a member of Congress, had fully investigated the subject, and come to the conclusion in favor of the claim of Georgia to the prompt extinguishment by the national government of the Indian titles within her limits, successfully interposed, as a private individual, with Governor Lumpkin, and obtained the liberation of the missionaries; thus terminating what might otherwise have resulted in a most unhappy controversy between the powers of a sovereign state and the highest judicial authority of the Union. In the performance of this patriotic duty, he acted in concert with the Rev. Dr. Nott, of Union College, and Benjamin F. Butler, Esq., who was afterwards the attorney-general of the United States; to whom their country is deeply indebted for their exertions on that occasion.

When the Canadian outbreak took place, in 1837, some of the most influential men of both provinces were driven from their homes by the tyranny of those who then held rule there. The chancellor, although he advised against a hopeless contest which, he was aware, would only end in the ruin of the oppressed colonists, deeply sympathized with the unfortunate exiles, furnished funds for their relief, and took into his own family the son of the amiable and excellent Papineau, the former speaker of the parliament of Lower Canada, while he gave every aid and encouragement in his power to the learned and estimable Bidwell, the former speaker of the parliament of the Upper Province, who is now a respected member of the New-York bar.

On the death, in 1844, of Judge Thompson, of the Supreme Court of the United States, public opinion pointed to Chancellor Walworth as his successor. His name was presented to the President (John Tyler)

by a majority of the New-York delegation in Congress, and he was also recommended for the office by many of the leading members of the bar of the state of both political parties. Among others, Chief Justice Nelson, who afterwards received the appointment, wrote a strong letter to the President on the subject; and after the rejection of Mr. Spencer by the Senate, the President sent in the name of Chancellor Walworth. The nomination was referred to the judiciary committee, who delayed making a report, and finally the appointment was laid upon the table or postponed until after the next presidential election, apparently by a mere party vote. Near the close of the next session of Congress, however, it was ascertained that there had been a secret agreement between a whig member of the judiciary committee and one of the democratic senators from the west, that the nomination of Mr. Walworth should not be acted on during Mr. Tyler's presidential term. And, although every member of the New-York legislature and many of the leading members of the bar of both political parties, sent memorials to the Senate, urging a confirmation, the nomination was never brought before that body by the judiciary committee, either for confirmation or rejection. A few days before the expiration of his term of office, the President, being satisfied that the nomination would not be acted on during his continuance in office, reluctantly withdrew it, and sent in the name of the friend of Chancellor Walworth, Chief Justice Nelson.

The Court of Chancery was abolished by the constitution of 1846; but the convention, which formed that constitution—for the purpose of enabling the chancellor to hear and decide the equity cases then pending before him, and which were ready for argument—provided for the continuance of his office and his salary until the 1st of July, 1848. In April, 1847, the legislature, desirous of securing to the state the benefit of the legal learning of Chancellor Walworth for a longer period, placed him at the head of the commission organized under the provisions of the new constitution, to reduce into a written and systematic code the whole body of the statute and common law of the state; and they subsequently extended the time for his taking the oath of office several months, for the purpose of inducing him to accept the appointment after the new judiciary system of the state should have gone into operation. After considering the subject two days, the chancellor, in a letter to the legislature, which is full of instruction, respectfully declined the appointment. He put his declension of this important duty upon the ground, that the commission was not so organized as to give the commissioners sufficient time and means to frame such a code as would carry out the principle of the constitution on the subject, and be creditable to the commissioners and to the state, and not because he supposed such a codification of the laws to be impracticable.

In his letter to the legislature, he says: "I am not one of those who believe it is wholly impracticable to carry out the provisions of the constitution on this subject. On the contrary, I think it not only practicable but highly expedient to collect the general principles of the unwritten commercial and other civil laws, and of our equity system, as well as the criminal law of the state, now scattered through some thousands of volumes of treatises, commentaries, digests, and reports of judicial decisions, and to arrange them under appropriate heads, divi-

sions and titles, in connection with the statute law on the same subjects. Such modifications of the law should also be suggested and incorporated into the code as are necessary to adapt the laws of the state to the present advanced condition of society, and to the principles of our free institutions."

The same reasons which induced Chancellor Walworth to decline the appointment of commissioner of the code at that time, prevented him from accepting the same office when it was tendered to him by Governor Fish two years afterwards. And that he was right in supposing the commission was not properly organized for a creditable codification of the laws of the state, is evident from the fact that it proved an entire failure, and was ultimately abandoned.

Chancellor Walworth held his last regular term for the hearing of causes in May, 1848. At a meeting of the members of the bar of the state, attending the general term of the Supreme Court, a few days afterwards, at which meeting the attorney-general presided, the following resolution was unanimously adopted, which shows the estimate placed upon the judicial services of the late chancellor by those who had been in the habit of attending his court:

"*Resolved*—That we deem the close of our former judiciary system a fitting occasion for the expression of our respect and regard for the eminent jurist, who, for so many years past, has discharged the laborious and responsible duties of chancellor of this state, and whose last term for hearing arguments has recently ended; that the published volumes of his decisions evince a degree of acuteness and discrimination, love of truth, sound morality, and thorough legal research, unsurpassed by any others, and honorable alike to himself and to the jurisprudence of our state."

At the close of his judicial labors on the 1st of July thereafter, of the numerous causes and motions which had been argued before him, or submitted by counsel for his decision, he left but eight undecided.

Since he left the bench he has not returned to the practice of his profession at the bar, but confined himself to the business of chamber counsel, and to the investigation of legal questions submitted to him, or for his examination or decision, by the parties interested in such questions. In that branch of professional labor his legal talents and attainments have been put in requisition by clients from nearly every part of the United States.

In reference to the correctness of his adjudications while at the head of the most important equity court in the Union, and the character of Chancellor Walworth as a judge, we may say with the late Dane Professor of Law in Harvard University, that "never, perhaps, were so many decisions made where so few were inaccurate as to facts, or erroneous in law. If it was destined that the Court of Chancery should fall under a reform which apparently designs to obliterate the history as well as the legal systems of the past, it is a consolation to reflect that it fell without imputation on its purity or usefulness, and that no court was ever under the guidance of a judge purer in character or more gifted in talent than the last Chancellor of New-York."

JOHN C. CAMPBELL, M. D.,

PRESIDENT OF NORTH-WESTERN BANK OF VIRGINIA, WHEELING.

JOHN C. CAMPBELL, of whom we propose to write a brief biographical sketch, is now past the meridian of life, and, though yet of unimpaired vigor both of body and mind, and in the active discharge of numerous and important public and private duties, has already passed through a career of usefulness and successful struggle with the difficulties of life, which may well be held up for the contemplation and encouragement of the many in our country, who, as he was, are dependent upon their own exertions for their success. Success, though sometimes apparently flowing from the caprices of fortune, is, after all, the surest test of real merit; and it is encouraging to every young man, who, repining not at the accidents of his birth, looks up with a trustful spirit to higher spheres of usefulness and fame, to know that others have gone before him with prospects no fairer than his own, and have triumphed. The success of others gives us confidence in ourselves. What they have done, we may do, and thus the example of those who have successfully trod any of the diversified paths of life becomes the mental heritage of every aspiring spirit, more valuable than houses or lands. It is the capital which plumes the pinions of hope—the stock in trade which gives confidence to the mind when failure might else point to despair.

The value of biography as a study for the young has always been highly appreciated; but it has been too much the fashion to direct our young men to the lives of Plutarch rather than to the achievements of men in our own times. Not only is much of the moral force, which it is the peculiar advantage of biography to impart, lost by the purely ideal aspect in which the youthful imagination contemplates a Grecian sage or a Roman hero, but the spheres of distinction in which they were illustrious were so different from those to which men are now attracted, that very little either of wholesome incentive or needed encouragement can be derived from them. Great antiquity, far-off distance of time, invests the character of even a common mind with a glory beautiful as a picture, but no ways encouraging as an example. We look at them to admire, but not to imitate. In full harmony, therefore, not only with the spirit of the age, but no less with the wants of our nature, we are gratified to see a growing tendency towards the publication and study of a cotemporaneous biography; not in a few departments of life only, but in every walk in which the human mind may usefully and honorably exert itself. Every pursuit needs the encouragement of successful examples, and it is in the hope of presenting one such, in addition to the many already before the public, that we record the following particulars in the life of Dr. Campbell:

John C. Campbell was born in the County Tyrone, Ireland, in the year 1800. His parents were of a highly respectable class of people, and Presbyterians of the severest moral and religious character. Strict observers of every divine institution, the Sabbath-day was to them a

day of unbroken holiness. Like the Jews in the days of their purity, they did not allow themselves to think their own thoughts nor to speak their own words. Under the parental roof, therefore, John C., who was a younger son, was subjected to a discipline well calculated to inspire his mind with the purest principles of virtue, and if not to make him religious, at least to fill him with an abhorrence of vice. The awful sanctions of the Divine Justice, as descanted upon in the morning and evening instructions at the family altar, could not fail to fill him with a deep sense of its abstract excellence and value; and the undeviating integrity of his parents in every moral and religious duty of life, early begot in him a feeling of earnestness and responsibility, which have been the prime secrets of his success through life. The impression was thus early made upon him—insensibly, but indelibly made, that every man is designed for a part in life, and that it is the duty and highest honor of each to act his own part well. The utmost watchfulness was exerted to keep him from the evil influence of bad example, and his early years passed under the undoubting conviction that every body was as honest as his own parents, and that the whole world belonged to the church. But this state of seclusion and innocent ignorance was not allowed to continue. It happened that his oldest brother, who had been from home for some years engaged in mercantile pursuits, paid a visit to the paternal roof at the time of sacrament in the church to which his father belonged. This was an occasion of unusual solemnity, and it was with unfeigned surprise that John witnessed in his brother the absence of that serious reverence which he had been taught to expect of all men and everywhere on such occasions,—much more of his own father's son, and in his own father's house. His brother did not take of the sacrament, did not go to the church—yea, was not even serious, but the rather merry, for he stayed at home and disturbed the solemn silence of the Sabbath with the merry tones of music! He was holding communion with his flute, and regardless alike of the Sabbath and the fears of little John. In his eyes such license was no less than sacrilege; but it made him think—it broke the spell of his narrow training, opened his eyes to a wider world than he had ever known of before, and awakened desires which ultimately brought him to the United States.

His early education had been directed by his parents, in the hope that his mind might be inclined to the choice of the ministry as a profession. With this view, his classical and other studies had been committed to the private instructions of a cousin who was preparing for the ministry, and in this course of training he was contented to remain until about the period already referred to. His tastes and disposition, however, were naturally unsuited to such a career, and various incidents soon occurred to induce his parents to give a reluctant and almost constrained assent to a different course. The troubles on the continent, created by the successful but desolating ambition of Napoleon, were then agitating all Europe, and England was preparing herself for a crisis which the wisdom of her statesmen foresaw to be inevitable. Both the army and navy called incessantly for recruits, and opened up a field for distinction and glory ever inviting to those ambitious of fame. The call did not fail to reach the subject of this memoir. A near rela-

tion, who was a surgeon in the British navy, opened up to him the charms of naval life, and found it no difficult task to incite in him a desire to enter the service as surgeon's mate.

With this view he accompanied his cousin to London, and there entered upon a course of anatomical and surgical studies under the lectures and instructions of Surgeon Carpu, combined with the practical advantages of the Westminster Hospital, in which, at that time, Sir Astley Cooper was a regular lecturer. From these preparatory studies he passed to the Royal College of Dublin, and entered as a regular student of the medical and surgical course in that institution. He had thus the most ample opportunities to thoroughly prepare himself for the profession to which he aspired, and his subsequent history proved how well he improved them. The course of events, however, gave a different direction to his fortunes. A single experimental voyage satisfied his thirst for naval life. The curtain was lifted from the realities of the life he must lead if he persisted in his purpose of prosecuting in the British navy the profession for which he had so energetically been preparing. The immoral and vulgar habits of the crew filled him with abhorrence and disgust. Human nature was here presented to him in forms so revolting to the principles of virtue, which had early been instilled into his mind, that he drew back from the contact with almost instinctive dread. The charm which his young and ardent hopes had thrown around a seafaring life was broken, and he was, most willingly, ready to abandon the pursuit.

Meantime, the triumph of the British arms at Waterloo had sent Napoleon into exile, and returning peace put an end alike to the prospect of preferment and the demand for professional service. He was now fifteen years old, and, finding the career upon which he had entered with so much industry and hope cut short by the termination of the French Revolution, he came to the United States to seek his fortune upon a theatre always open to merit, and where industry and perseverance seldom or never fail of their appropriate reward. Finding that the practice of medicine is generally combined in this country with that of surgery, and having in his previous studies, according to the custom of the profession in Great Britain, directed his mind almost exclusively to a preparation for the practice of the latter, he immediately entered upon a more thorough preparation for the practice of every branch of the healing art, and under the special office instructions of Dr. M. Spaulding, of Amherst, N. H., was prepared to stand for the degree of M. D., which was regularly conferred upon him at the commencement of Dartmouth University, N. H., (now, as formerly, Dartmouth College,) in the year 1818.

Up to this time he had been supplied with the necessary means for his support by his parents; but these were now withdrawn. He was informed that, for the future, he must take care of himself. This announcement was unexpected as it was sudden, and we may well conceive of its influence upon one so young, far from home and friends, a stranger, and alone in a strange land. Every true-minded man must have observed periods in his life's history—turning points, at which he was made to halt to review the past, and to calculate for the future. They are the pauses which nature decrees for the gathering of fresh strength, that she may be prepared for another and higher step in life's

progress—the moultings of the mind struggling into form for states of nobler being. Well for him who meets them with an earnest spirit, and takes his departure with a trustful heart and a noble aim! It was so with Dr. Campbell. He felt the full measure of his responsibility as a man, and hesitated not as to his course. Though without the patronage of friends, he had resources within himself—a native energy and integrity that could not falter, and a thorough acquaintance with his profession that could not but lead to success. The mighty valley of the Mississippi was then, as it still is, an inviting field for professional employment and distinction, and he resolved at once to make his way to its great emporium, the city of New-Orleans. Accordingly, he bade adieu to the few passing friends he had made at Amherst, and turned his face towards the West. On reaching Pittsburg, Pa., he learned that an opening for a young physician was about to occur in the town of Wellsburg, Va., some eighty miles below on the Ohio River, and concluded to avail himself of its advantages for a short time, that he might be the better enabled to set himself up in New-Orleans.

In the fall of 1818, therefore, and in the 18th year of his age, he offered his professional services, as a doctor of medicine, to the good people of Wellsburg and the surrounding country. The energy of his character, his decided adherence to honorable principles, his fearless reliance in his professional skill, and his thorough education in medical science, soon attracted to him a large share of public attention; and it was not long till his successful treatment of disease began to secure to him an extensive and lucrative practice. A characteristic boldness and self-reliance in all cases, where his judgment was satisfied, could not fail to bring upon him more or less of that professional envy which always struts itself across the path of rising merit; but this only served to increase his energy and urge him to more striking displays of his superior professional skill. Many characteristic anecdotes might be told, illustrative alike of his fearless confidence in the conclusions of medical science, and his skill in their application; but the limits of this paper will not allow of their introduction here.

His boldness and success, however, as a practical surgeon, claim a special notice. At the period to which we refer, this part of the medical profession was but very imperfectly understood and practised by western physicians, especially those in small towns and the country. The consequence was that many cases, perfectly in the control of scientific skill, were allowed to go on to a fatal issue, and the patient given over to suffering and death. Such as these afforded a fine opportunity for displaying the *prestige* of superior science, and Dr. Campbell was not slow to avail himself of the advantage. Soon after he commenced practice, an aggravated case of strangulated hernia occurred. Mortification of the part had taken place, and other circumstances of difficulty, which it is not necessary to detail, were manifested, so that the attending physician gave it up as irremediable. As is usual, however, in such cases, he called a consultation, less in the hope doubtless of striking out a remedy than in that of dividing the responsibility. Dr. Campbell, young, and stranger as he was, was invited to the consultation. The case was re-examined, and the general opinion given, that it was hopeless. Not so with the young graduate of Dartmouth;

when asked for his opinion, he replied, "The man may be saved;" and "how, sir," asked the attendant physician; "By an operation; treat it as a gun-shot wound, and remove the diseased part," was his prompt and unhesitating reply. This startling proposition was received with a doubting shake of the head; but as the case was otherwise desperate, it was finally agreed upon. Still the attending physician would not consent to do the cutting; none of the older members would undertake it; the disagreeable work, and the odium and disgrace, should the operation fail, as they expected it would, must fall upon the bold boy who had advised it. He saw the critical position into which he was thus brought, and knew well how much his future prospects depended upon the issue; but his judgment was clear and his hand ready. The operation was performed in the presence of the oldest and most distinguished physicians of the country, by a boy of 19; and the patient lived many years to tell the story of his cure!

Other cases, scarcely less striking, and, to the backwoods people of that day, as unheard of before, in a short time spread his fame far and near, and in a period less than that usually required by others for a fair commencement, Dr. Campbell was upon the full tide of professional success. In difficult cases, his services were sought for from great distances, and the utmost stretch of his physical endurance was taxed to meet the demand upon his professional assistance.

He now concluded to abandon his original purpose of going to New-Orleans, and determined to permanently locate himself in the town of Wellsburg, Va. The extensive range of practice made it very laborious, and it was not long till he saw that it presented but few higher trophies for his ambition than those he had already won; besides, his natural disposition led him to desire that mental conflict, in which strong minds always delight, and the contests with disease did not and could not afford this. Under the promptings, therefore, of a mind confident of its ability, and thirsting for opportunities of more active and public display, he turned his thoughts to the law, not only as a more congenial profession, but also as affording a readier access to preferment of other kinds. Accordingly he commenced the study of the law, under the advice and instruction of the late Philip Doddridge, a gentleman distinguished for the highest elements of greatness, both as a lawyer and a statesman, and by the time he had reached his legal majority, was prepared for the practice. He was regularly admitted to the bar in the year 1821, and combined with the practice of medicine also that of the law. This double labor growing, in a short time, too much for one man to properly discharge, he associated with himself in the practice of medicine a young gentleman who had studied in his office, and thus was enabled to give more time to the profession of the law. Divided as his mind was, however, between law and medicine, he could not give to the latter that entire devotion of his powers which it requires in order to the highest success. Still, such was his native force of intellect, and the industry with which he prepared himself on his cases, that he soon rose to a high degree of eminence at the bar. His integrity and prompt attention to business, combined with the faithfulness with which he ever labored for his clients' interest, secured for him a very liberal share of the practice,

and gave him a professional prominence equaled but by few of his contemporaries.

Holding, as he now did, so high a place in the public confidence, he could not but participate in the political excitements of the day. He was a whig from principle, and from the commencement of his public life took an active part in the fortunes of his party. In 1824, the western part of the State of Virginia agitated the propriety of constitutional reform, and a general convention was proposed to be held at Staunton, for consultation and concert upon several points deemed of primary importance in the fundamental law of the state. To this end primary meetings were called in the various counties, and the measures of proposed reform generally discussed before the people and delegates appointed to attend the convention called to be held in Staunton. In these primary movements, Dr. Campbell took an active and prominent part. The movement, though designed for no higher purpose than to excite the public mind and to form opinions into greater concert, was nevertheless deemed of the highest political importance, and therefore the ablest and most discreet men that could be found in the country were selected as delegates. In no state perhaps in the Union has there been greater reverence manifested for the constitutional law than in Virginia, and it was long a cherished doctrine of all parties, that none but the sagest statesmen ought to touch this sacred instrument. Under the influence of a sentiment like this were the delegates to the Staunton Convention selected, and it was no small evidence of the strong hold which Dr. Campbell had in the confidence of his county, that he was at so early an age chosen as a member to stand beside the distinguished lawyers and statesmen of Virginia in deliberations such as those which engaged that honorable body of patriots. The convention met; its report was thrown before the people, and in a few years its influence was developed in the call, by the legislature, of a convention to revise and amend the constitution of the state. This action of the legislature was received with enthusiasm by the western portion of the state, and gave rise to the most active measures for its accomplishment. Statesmen of the first ability were nominated for the important trust of delegates, and the most zealous exertions of friends and foes put forth for and against the various candidates. Dr. Campbell, though not himself a candidate, took the most decided and active part in these contests, and distinguished himself for the zeal and ability with which he advocated the claims of his friends.

In 1829 he was appointed Commonwealth's Attorney for Brooke county, in the Superior Court, which office he held until the month of July, 1852. At this time, Dr. Campbell had removed from the county of Brooke, and the office of Commonwealth's Attorney having been made elective, he declined a contest for it, and it passed into other hands. In the discharge of the trust committed to him in this office, he showed himself, at all times and under all circumstances, the fearless and impartial advocate of the true spirit and intent of the law. In no instance would he prosecute, where the evidence did not clearly satisfy him of the offender's guilt. He regarded his office as that of a public guardian of the state, not simply as a hired prosecutor of the accused, and

it was, therefore, his practice, as it was his pleasure, to look upon those who were charged with offence against the laws as entitled to his impartial consideration, in virtue of their rights as citizens of the commonwealth, whose welfare was, in a measure, entrusted to his keeping. Under a spirit so enlarged, impartial and liberal as this, the law ceases to be a terror, save to the really guilty; and the state, instead of being erected into an engine to oppress the people, becomes, as it should be, the instrument of the people's rights.

In 1830, the new constitution of Virginia was adopted by the people, and delegates were chosen to provide for its practical administration. So many and radical were the changes from the former constitution, that nearly every department required to be remodeled and adapted to the new order of things. To aid in this difficult and important work, Dr. Campbell was, for the first time, brought before the people of Brooke, as a candidate for the Virginia house of delegates. Brooke county was at that time, as it has ever been, most decidedly democratic; but such was the public confidence in the ability and liberal patriotism of Dr. Campbell, that he was elected against democratic opposition, and in spite of a clear party majority of three or four to one against him. This was a triumph of no ordinary kind, and showed how unequalled was the influence he held over the confidence of his county.

When the legislature met, in the winter of 1830, Dr. Campbell was placed upon the committee on courts of justice, one of the most important committees under the constitution, and soon distinguished himself for the zeal and industry with which he discharged the duties of his new and responsible position. His services and conduct during this session of the legislature met with the most cordial approval of his constituents, and he was again elected for the session of 1831 and '32. During this session the subject of slavery was forced upon the consideration of the legislature, by one of the most horrid and alarming butcheries that has ever occurred in the history of that institution in Virginia. It will be remembered as the Nat. Turner insurrection, and was accompanied with such circumstances of savage ferocity, as filled the community with apprehension and alarm. The details are too fresh in the memory, to require more than a passing allusion here. Under the general excitement which ensued, all minds were turned to the serious consideration of some means whereby the state could be secured against the recurrence of evils so deadly, and which seemed inseparably connected with the institution itself. The question was brought before the legislature, and agitated by the first patriots of Virginia of all parties, and from every portion of the state. In these movements Dr. Campbell fully sympathized, and when the proposition was brought forward to raise a committee to examine into the subject and report upon the practicability of a remedy, he gave it his warm and unreserved support. The motion, however, failed in a great measure through the obtrusive and ill-judged interference of northern abolitionists; and the men who would then have been in favor of some system of gradual emancipation, are now driven, by a sense of duty to themselves, their families and the peace of the state, to assume the most decided opposition to all agitation of this vexed and difficult question.

Thus, to the presumptuous and infatuated intermeddling of fanatics from abroad, must we refer the present position of Virginia on the subject of slavery!

In 1832 and '33, Dr. Campbell was again returned as the delegate from Brooke, in which relation he continued to hold a high and commanding influence. During this session, the difficulty between the general government and South Carolina, one of the sovereign states of the Union, came to its decisive crisis. The tariff of 1828 had given rise to the Colleton addresses, in which the doctrine of "open resistance to the laws of the Union" was boldly avowed, and Gen. Hamilton had publicly declared that "a nullification of the unauthorized act was the rightful remedy." Still no decisive measures to carry out these alarming principles were taken till 1832. In May, 1832, congress again revised the tariff, for the purpose, among others, of rendering some of its duties more agreeable to the southern states. The changes, however, were not satisfactory, and opposition now began to assume a more pointed and practical form. Mr. Calhoun, in a letter dated "Fort Hill, 30th July, 1832," declared that nullification was a peaceful remedy, and that it was necessary to the preservation of other powers. In the October following, the legislature of South Carolina passed an act calling a convention of the people to consider the several acts of Congress on the subject of the tariff, to determine the character thereof, and to consider the means of redress. The convention met in November, and passed the celebrated ordinance of nullification. This was followed, on the 10th of December, by the no less celebrated proclamation of the President, Gen. Andrew Jackson, exhorting all persons to obey the laws, and denouncing in clear and decisive terms the principles set forth in the ordinance of South Carolina. Thus, the general government and a sovereign state, after four years of exciting controversy, were at length in open defiance, and the whole Union was agitated with apprehension for the consequences. It was a crisis in the affairs of our country which apparently portended inevitable ruin: nothing short of the horrors of civil war and the pouring out of kindred blood, by those who were descended from a common ancestry, seemed adequate to placate the incensed spirit of political strife. Resolutions were passed by most of the southern states, repudiating the doctrines of the South Carolina ordinance—but to no purpose:—the general government was determined to execute the laws, and South Carolina had declared that she would make her mountain passes "Thermopylaes of America." It was under these circumstances that the difficulties were brought before the legislature of Virginia. She, in common with South Carolina, Georgia, Louisiana, Tennessee, Alabama, and Mississippi, had, through her delegates in Congress, voted against the tariff of 1828, and many of her people, and not a few of her able statesmen, now sympathized with South Carolina in her bold stand to resist the execution of its provisions. The fiery crest of nullification raised itself in the halls of Virginia legislation and claimed to revive and rally under the spirit of 1798. Bold defiance was thrown at those who might vindicate the sanction of the laws, and the issue was waited for with apprehension and alarm. All eyes were turned to Virginia, and it was generally conceded that her course would determine the fates of the controversy and decide for

peace or for war. In this perilous crisis of our affairs, when most men were too much excited to act with wisdom, who is not grateful to the statesmen who had the courage to stand up for the supremacy of the laws, and the wisdom and calmness to commend the milder measures of peace! Foremost and conspicuous among these stood the subject of this memoir; and it must be one of the most gratifying recollections of his public life, to reflect that, though upon the constitutional question involved, he was most decidedly with the government, yet he had the magnanimity and the honor to exert his best endeavors, and to contribute, in no small degree, towards the adoption of those prudent and conciliatory measures, which are so well known to have opened the way to the final and peaceful adjustment of this fearful controversy. In the beginning of 1833, resolutions were passed by the Virginia legislature, commending Congress to modify the tariff; and South Carolina to rescind her ordinance. Benjamin Watkins Leigh, one of her most distinguished statesmen, was appointed commissioner to bear and urge these resolutions, and in a short time the difficulty was settled. Congress did modify the tariff, and South Carolina rescinded her ordinance; the ominous clouds of war were lifted from our heavens, and the stars of our Union were once more seen moving harmoniously on, each in its own glorious sphere!

During the three years that Dr. Campbell served the county of Brooke in the Virginia legislature, he exerted himself in every legitimate way to promote the interest and welfare of his constituents,—and to no one, who ever served her in this relation is she more indebted for her present advantages than to him. Through his influence, a branch of the Northwestern Bank of Virginia was established at Wellsburg, the county seat of Brooke, and in honor of his exertions in procuring the charter, as well as from confidence in his abilities as a financier, he was appointed her first president. This office he continued to hold till after his removal to the adjoining county of Ohio, in 1849, when he was elected president of the mother bank, in the city of Wheeling, Va.

Not only as her delegate in the Virginia legislature, but also as a citizen at home, Dr. Campbell ever lent his best energies to develop the resources of his county and town. Various schemes of improvement and county policy whose good practical effects are now being enjoyed by his old constituents, originated with him. Not only was his head ready to devise, but his purse ever open to sustain and carry into operation plans for increasing the growth and strengthening the permanency of her prosperity. He contributed freely towards the improvement of the public roads and bridges; to the establishment of lines for the transportation of the mails; to the encouragement of the manufacturing interests in various forms; engaged in the practical pursuits of agriculture and wool-growing; interested himself in the prosperity of the farmer, the miller, the merchant and the river trader; devised plans for extending the blessings of education, and, in short, threw his decision, and energy, and clear mind, into every department of social life, where he saw an opportunity for promoting the general welfare.

In 1836 he was married to a highly accomplished lady, a daughter of Bishop Alexander Campbell, President of Bethany College, Virginia, with whom he enjoyed for a few years the highest pleasures of domes-

tic happiness. During this period he withdrew altogether from the practice of medicine, except in the case of special friends, who solicited his advice. In 1838, he lost a lovely, and, at that time, his only child, and in 1839 his wife also died. Strong-minded and self-relying as he had always been, these were calamities beneath which he bowed with almost insupportable heaviness. His domestic affections, naturally strong, and weaned, as they were, from all earthly relationships, save those of his own fireside, had been concentrated upon these with an absorbing intensity which but few can feel, and when these were taken away, the interest of life seemed to depart with them. His health gave way under the affliction, and in 1840 he embarked on a voyage for the West Indies. For several years after his return, though he continued the practice of law, he spent the greater portion of his time in the country, and gave a large share of his attention to the management of his extensive farms and numerous flocks. In 1844 he was again married to Mrs. Vance, a daughter of the late Samuel Sprigg, a distinguished lawyer of Wheeling, and is now enjoying, on his farm near that city, the rewards of a well-spent life, in the midst of opulence, and those sweet domestic comforts which his gifted lady and a promising family of children throw around the hearth of his home.

Dr. Campbell is now in the 52d year of his age, and is still engaged in the most active pursuits of private and public life, being still the president of the Northwestern Bank of Virginia, and one of the largest and most successful growers of fine wool in the United States. His habits of unwearying industry, combined with the high power which distinguishes him, of concentrating all his mental energies upon whatever business he has in hand, have enabled him, beyond most men in life, to carry forward to successful issues every enterprise to which he has given his personal attention, whilst the good principles of his early and parental training have ever shielded him from the temptations of a life, full of exposures too strong for most men, left, early as he was, without friend or fortune, to battle with the world.

As a physician, the character of Dr. Campbell may be sufficiently inferred from what we have already written. His acquaintance with the science was thorough, and his popularity and success unequalled. As a lawyer, though from the other numerous engagements of his mind, he had not the time for that extensive reading which is essential to the highest eminence, he was, nevertheless, a very successful practitioner. His high moral character, his fairness and frankness in the conduct of his cases, the clearness of his judgment, the elaborate and practical common-sense expositions which he gave of the subject, and the faithfulness and promptness with which he watched over every interest entrusted to his management, constituted the principal features of his character as a practitioner at the bar. His example served to give dignity and tone to the profession, and was a standing reproof of the pettifogging spirit which is too generally in the ascendant in newly-settled countries. As a speaker, he was not so eloquent as strong. *Forcibleness* was written upon every thing he did, and, next to the clearness of his judgment, and that happy equipoise of powers which led him almost intuitively to correct conclusions upon whatever subject was submitted to him, was the blasting power of his sarcasm. Altogether fearless of consequences, and naturally pos-

sessed of the strongest feelings of indignation, he spared neither epithet nor trope, to utter the scorn and abhorrence he felt for chicanery and vice in all their forms, and no matter by whom exhibited.

As a financier, Dr. Campbell's views are liberal and enlarged, and his policy prudent and generous. Under his management, moneyed corporations are relieved of much of the odium which usually attaches to them, and enjoy not only the trade but the confidence and respect of the public. As a politician, he has ever been a prominent and a leading Whig, and even when his party has not been in the ascendant, he has freely lent his influence and his aid in questions involving the common welfare. Sincerely attached to the Union, and convinced of the inestimable importance of its preservation, he has ever watched over its fortunes with the most patriotic concern, and, even when not in such political stations as to officially participate in the deliberations of her great statesmen, he has ever labored to hold up their hands and sustain them in their efforts by his influence with the people.* In his views of constitutional law, he is of the school of Chief Justice Marshall and Story, with whose political principles on this subject he became, very early in life, fully imbued. Adopting, *ex animo*, the doctrines of these great expounders of constitutional law, he fully approved of the stand taken by the President in the difficulty with South Carolina, to which we have already referred, and justified, as the proper constitutional ground, the position taken in the proclamation. Still, with the true spirit of enlarged patriotism which animated the noblest friends of the Union on that trying occasion, he raised the voice for peace, and, with his principles unchanged, united in commending measures of mutual concession and compromise.

As a citizen, Dr. Campbell holds a position which but few ever reach. No man, perhaps, who has attained to a high standing among his constituents ever did less than he for the purpose of courting popularity. His motives have ever been lofty and patriotic, and his mind of that self-relying and independent stamp which goes forward towards the accomplishment of its ends, for their own sake—because it sees they are wise and good—and does not stop to inquire what other people think of them or of him. This is characteristic of every man of commanding influence. He acts with reference to a good end, nor, when he has acted, does he pause to gather up his reward of human praise. He leaves the action to speak for itself, and goes about something better, anticipating the wants of the community, and jostling others in their old conceits, with a rudeness by no means agreeable. And herein consists his character, and the key to its influence. He asks not nor seeks favor of the people, but the people have learned to expect service from him. They see that his work is already in the line of their interest—in fact, work for them, and they bid him work on. They look to him as their exponent; they ask him to represent them, because they see that he knows their wants in the case better than they themselves. Thus is character greater than deeds; what a man *does* in the form of recordable service is not a just measure of his moral and citizen power. He is, in his influence, in his character, more than his individual achievements, and his mind and his energy can only be estimated in the life they beget in the wide circle over which they radiate. We

feel, therefore, in this hasty sketch, which we have given of the public career of Dr. Campbell, that we have produced but a very imperfect idea of his real character, but it is all that the circumstances justify us in attempting.

A word or two more, and we shall conclude. We have not pretended to give anything concerning the private character and standing of Dr. Campbell, because it would have been traveling out of the special design of this paper to have done so. Still, we beg indulgence, while we gratify a personal feeling of our own, in saying a word of his character as a gentleman and a friend. In these respects the writer of this article would not, perhaps, be considered an impartial witness; yet, if to have known him long and intimately, both in his public relations, and in his private, social, and domestic life, be a sufficient qualification to speak on this head, then may he testify with full confidence. We speak both from observation and experience, when we say, that it is in these points that are found not only the noblest but the strongest elements of his nature. But few men have had truer and more devoted friends than Dr. Campbell has always formed for himself wherever he has been intimately known. The sentiment of friendship with him partakes much of that high nobility to which the Roman orator and philosopher so beautifully refers, in his treatise *de amicitia*, and imparts an interest to him as a man which commands at once the admiration and esteem of his associates. Of course, it cannot be promiscuous, but is confined to such kindred spirits as are not only worthy of, but can also reciprocate the honorable affection which he himself feels. For such, however, his respect and esteem are unreserved and entire. He does not see, or seeing, has not the heart to notice a fault in one whom he admits as a friend. Towards others he is generous; with a friend, he is more than fraternal; in promiscuous society his manners, though free, are blunt, and too readily sarcastic; but in the fireside circle of congenial companions, he is familiar, easy, good-natured, and humorous. He reverences only what he truly admires, and can love no one whose character he does not really respect.

With these high sentiments, which must ever ennoble the man who cherishes them, Dr. Campbell has won for himself many a warm and devoted friend, both in his public and private relations; and when, a few years ago, he left Wellsburg, the town of his early adoption, to become a citizen of Wheeling, all parties and conditions united in expressing their regrets that her most tried and valued friend had left her. But his public services are permanently recorded in her institutions and her growth, and his friendships still live in the hearts of her best citizens. May he long enjoy them, and yet live many years to add much to the well-earned fame which already gathers around his name!

GENERAL JACOB GOULD,

PRESIDENT OF THE FARMERS' AND MECHANICS' BANK, ROCHESTER, NEW-YORK,

Was born in Boxford, Essex county, Massachusetts, on the 10th day of February, 1794. His father, Capt. Jacob Gould, was a native of the same town. His grandfather, of the same name and place, was lieutenant of the militia in said town, in the American Revolution, and was occasionally on duty. His mother was a Peabody, from the adjoining town of Middleton, in which and in Danvers, and the now city of Salem, reside many of the same name, having descended from the same ancestry; some of whom are extensively known as most successful as well as honorable in the commercial world.

The subject of this brief sketch lived with his parents, who were poor but respectable, on the old farm—hallowed by having descended from father to son, where naught new was allowed to come; indeed, the whole town was famed for its at that time called stability; it had no public house, no justice of the peace, and for years and years not a law suit, small or great, amongst its inhabitants. Squire Perly, as he was called, represented the town in general court, Boston, for nineteen years in succession; in the twentieth year, when a young man of forty was elected in his place, an excitement was produced such as had never been experienced by the oldest inhabitants. The schools were of the ordinary class of Massachusetts country schools, kept three months in winter by a man, the same time in summer by a woman. To these the subject of this sketch went when his labor on the farm could be conveniently dispensed with. When twelve years of age, he had permission from his father to labor for a neighbor eight days in the fall, doing the work of a man for the wages of a boy, viz: a shilling per day, Massachusetts currency. With this money he bought Morse's geography, which had in it two maps, the world and North America. This was at the time considered extravagant, and caused great jealousy when it was taken to school with one other, to unite with the art of reading a knowledge of the world.

The next year a similar process brought forth Perry's dictionary, which constituted quite a library. At the age of sixteen it was determined he should learn the shoemaker's trade, and for this purpose a bargain was made to serve a year with a man living about a mile from his father's, the Sabbaths to be spent at home during the year. His master being exacting, he had no opportunities for improvement except in his trade: in this he was quite successful; the last week of school in his district he was, however, permitted to attend, at the request of the teacher, (now the Hon. Benjamin A. Gould, of Boston, then seventeen years of age, whose great success afterwards as a teacher in Boston is well known,) and take part in the examination. The year after, he was hired to a man near the centre of the parish, to work at his trade and tend a small West India goods store in the absence of his principal.

The succeeding year he worked at his trade, except occasionally assisting on the farm. During the winter he attended school, which was



PLATE 12

PLATE 12. A. Fossilized skull of a small mammal.

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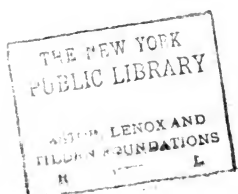


1847

J. Gougeon

PROFESSOR OF THE HISTORY OF THE UNITED STATES
IN THE UNIVERSITY OF CHICAGO

AND OF THE HISTORY OF THE UNITED STATES
IN THE UNIVERSITY OF CHICAGO



taught by a respectable but unqualified teacher. Soon after this, he was afflicted with a severe cold, which so alarmed the family that further labor at his trade was abandoned.

During the following season, 1812, he spent three months at West Bradford Academy, renowned the world over as the school where Harriet Atwood, afterwards Harriet Newell, Miss Hazeltine, Mrs. Judson, were instructed, with many other choice, kindred spirits. Here also the subject of this biography first resolved to serve the Lord.

The succeeding winter, 1812-13, he taught school; the one after, 1814, in his native district; his third and last winter in Massachusetts as a teacher, Mr. Gould instructed in the village of East Bradford, where he became acquainted with the Rev. Mr. Perry, D. D., the clergyman of the parish, who had spent a year at Union College, Schenectady, as tutor, and by whose advice, in the spring of 1815, being twenty-one years of age, he took the journey to Albany without friends or associates, literally alone, with a letter from Dr. Perry to the Hon. Gideon Hawley, then Superintendent of Common Schools for the State of New-York.

With a letter from Superintendent Hawley, Mr. Gould proceeded west, intending to go into the interior, as far as Utica, seeking employment as a teacher. On arriving at Schenectady, he was invited by the Rev. J. Mabon, who had charge of Union College Grammar School, to stay over and visit the president and professors of the college, and, at their request, he took charge of the English department in said school, at his own risk as to pay, charging a reasonable tuition. Here he continued to teach with good success for four years—the last three in connection with the Rev. D. H. Barnes, afterwards a prominent teacher in the City of New-York, whose untimely death numerous friends and an affectionate family will never cease to mourn.

Owing to some misunderstanding between the trustees and teachers, Mr. Barnes went to New-York and Mr. Gould to Rochester, a small but promising village of ten or twelve hundred inhabitants, situated on both sides of the Genesee River, at its falls—the east side being the county of Ontario, the west side the county of Genesee.

The business of teaching being abandoned for the more active employment of merchandising, he went into the business of manufacturing and selling boots and shoes. This was continued for more than twenty years, connected with an extensive wholesale trade in leather, &c., to as great, if not greater extent, than any other establishment in Western New-York.

Occasionally he was honored with office—his military career was of a character peculiar to those times. In 1824 he was elected captain of a nearly lifeless artillery company, but as he never intended to do things by halves, he, by his energy, revived the spirits of those already enlisted, which had the effect to encourage others, so that a handsome company was soon the result. Some difficulty the winter following, at a court-martial, caused an application to the adjutant-general for a division of the regiment, which was promptly made.

The subject of this sketch was elected colonel. The same process in another quarter caused a division of the brigade; before the colonel's

commission arrived he was duly elected brigadier-general, and in that capacity appeared before a regiment the same fall.

The winter following, a major-general had to be appointed by the governor and senate. Here a principle had to be settled causing no little trouble. The subject of this sketch was a few days the senior brigadier, and had held a commission but a little over a year, while the junior brigadier was an old officer of more than twenty years' service, and claimed the appointment from Governor Clinton and the senate on this account; it was settled, however, and has since been referred to as a precedent, governing subsequent action in similar cases, that Mr. Gould was entitled to the appointment, which he received, going from a citizen to that of major-general of artillery in less than two years.

In 1829 he was appointed, by President Jackson, collector of the customs for the district of Genesee, and re-appointed; and again appointed by President Van Buren.

Soon after this he resigned the office to attend with more diligence to his private affairs.

In 1836 he was elected president of the Rochester City Bank; held the office two years, and then resigned. Subsequently, when some difficulty arose in said institution, he was invited to its presidency again, which office he held until all trouble was past. He was twice elected mayor of the city of Rochester, which was incorporated in 1834.

In 1845, unexpectedly to himself and friends, he was appointed U. S. Marshal for the Northern District of New-York by President Polk, which office he held four years.

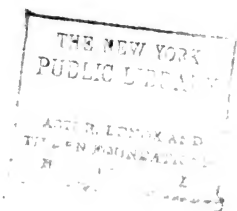
To show the energy with which these duties were performed, it may be stated, that there were more convictions for counterfeiting coin, robbery of the mails, etc., during his term, than for twenty years previous. In his duties he was ably sustained by the court, and especially by Judge Allen, of Oswego, the U. S. District Attorney, and George W. Clinton, Esq., of Buffalo, his successor in office.

At present he is the financial officer of the Farmers' and Mechanics' Bank of Rochester, a bank under the general banking law of the state.

The difference between the subject of this sketch and many others, has been a perseverance in whatever was undertaken, until all obstacles were overcome, and success complete.

His first political efforts were to sustain his most esteemed friend, Governor Clinton, in 1820, and afterward until his death. After that mournful event, with untiring energy he labored to elect Gen. Jackson to the presidency. He recollects being in Portsmouth, N. H., in the summer of 1826, visiting, when he announced himself as a Jackson man. The next day he was introduced as such by his friends, as a curiosity in those parts, being the first known. He has cordially supported the democratic party, and always received the confidence of his political friends of both high and low standing, which confidence has never been abused for selfish or improper purposes.

Socially, the subject of this sketch has been proverbially affectionate and kind. Being the second child and oldest son, much responsibility rested upon him in early life, on account of a lameness of his father, occurring from an accident, when the subject of this sketch was only eight years old.





Engraved by J. C. Smith from a Daguerreotype

Dr. H. Ayer

DR. H. AYER'S
PILLS FOR THE CURE OF
CONSTIPATION

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He married, at the age of twenty-two, Ruby Swan, of North Andover, Massachusetts, with whom he lived happily twenty-four years. She was then called to that "bourne from which none return." She left three children, two daughters and a son, all of whom are eligibly connected and settled.

He married again, in 1847, Miss Sarah T. Seward, principal of the Seward Female Seminary, in Rochester, by whom he has had three children.

His labors and efforts have not been confined to his own family and relatives. For many of these he has done much; but he has educated, and helped to educate many, and also to establish the deserving in business. In all these efforts a desire to do good has been apparent, and results might be cited showing that these labors have not been in vain.

In religion, the subject of this sketch has been always decided. He united with the Presbyterian Church in Schenectady in 1817; was superintendent of the Female Sabbath School just established in that city, and afterwards in Rochester; was for a number of years an active elder in, and still continues his connection with, the First Presbyterian Church in Rochester, to which he took a letter when he left Schenectady, in 1819. At that time it was the only church of any denomination in Rochester; now there are nearly or quite one hundred. He built, in 1825, the first good dwelling-house, and is now living in the same, in Rochester, that has been suffered to remain and occupied by its owner and builder in a city of now over forty thousand inhabitants. What progress! what improvement!—from a wilderness to a beautiful city in a little over a quarter of a century!

The times are portentous. What is now done in minutes formerly took days, and even weeks, to accomplish.

The subject of this sketch has taken part in the improvements as they passed—has been connected with most of them, and still continues to apply himself as steadily and perseveringly as in his youth: *it is his habit*. How necessary that early habits be correct! Learn to assume responsibility in youth, then it will become easy in riper years, and in old age not be a burthen.

As a man and a citizen his character is above reproach. His cheerful disposition and courteous manners endear him to a large circle of acquaintances. As a husband and father he possesses the deep affection of his family.

HON. RICHARD HAZEN AYER,

PRESIDENT OF THE AMOSKEAG BANK, MANCHESTER, NEW-HAMPSHIRE.

It is one of the beauties of our government, that it acknowledges no hereditary rank or title—no patent of nobility save that of nature; leaving every man to establish his own rank, by becoming the artificer of his own fortune. Places of honor and trust, rank and preferment, being thus happily placed before every individual, high or low, rich or

poor, to be strived for by all, but earned alone by perseverance and sterling worth, are most always sure to be filled with deserving men, or by those, to say the least, who are possessed of energy and talent.

Every man, as it were, being thus a candidate for the highest offices that are the objects of the elective franchise, has an incentive to action to attain every acquirement within his reach that shall in any way expand his mind or improve his understanding, and these make him deserve well of his friends and become useful to the community. This principle leads to the happiest results. It is this principle that lies at the foundation of our success in the great experiment of self-government by the people; and which, in the short period of three quarters of a century, has made our nation the astonishment or admiration of the nations of the earth. Had not this principle been part and parcel of our constitution, or had the tenure of our public offices been hereditary, or for life even—our government would still have retained the swaddling clothes of puerile infancy, instead of attaining the strength and beauty of stalwart manhood; or would have become the mere appendage of some family of rank and fortune, to be governed by the whims and caprices of the accidental heir of its wealth and imbecility.

Thanks to the wisdom—*self-denial*—of our revolutionary worthies, for the incorporation of this truly wise and republican principle into our glorious constitution.

Nowhere is this principle so fully developed as in the New-England states, or in that section of them remote from closely populated and wealthy towns and cities. In large towns and cities, where wealth concentrates in the hands of the few, or where the facilities are afforded for accumulating large fortunes, power is in the hands of the few, and the control of public affairs is often confined to the narrow circle of families or classes; but in the country towns of those states, where wealth is more generally diffused, and the concentration of great wealth in a single family is of rare occurrence—there the principle of which we speak is fully developed; and generally a man's success in life depends upon his own merit, his energy, and his talents.

Nowhere is this more apparent than in the northern states of New-England, Maine, New-Hampshire and Vermont.

Occasionally in those states "shoots of old stocks" may be found, high in public confidence, shining lights in the bar, the pulpit, and the legislative hall; but generally the destinies of these states, for weal or for woe, are in the hands of that efficient class of men, called by Cicero, new men; or, in other words, men who have *made themselves*; men who, without the advantages of birth or the assistance of friends, solely through their own resources of energy and talents, have made a deep-lined mark in the community in which they live, and have won an enviable position among their fellow-men. At the present writing, we have in our minds' eye scores of men scattered over these states, who, under this fostering principle of our glorious constitution, unaided and alone, save by their own energy, enterprise and talents, and such friends as these are sure to make, stand in the highest rank of public confidence, can command any place within the gift of their fellow-citizens; and who will leave behind them names associated with the noblest qualities of man.

Such a man is the Hon. Richard H. Ayer, of Manchester, N. H.

Richard Hazen Ayer was born at Concord, N. H., January 12, 1778. His father, Richard Ayer, moved to Concord in 1777, from Haverhill, Mass., being the son of Samuel Ayer, a respectable yeoman of that ancient town in the Bay State. About the time of his removal to Concord, Mr. Ayer was united in marriage with Miss Susannah Sargent, grand-daughter of the Rev. Christopher Sargent, of Methuen, Mass., by whom she had been adopted and educated, her mother having died in her infancy. In Concord, following his trade of tanner and currier, and purchasing lands as they came into market for cultivation—thus uniting the callings of mechanic and farmer—he soon became independent in circumstances; and by his habits of industry and integrity, secured the confidence of his fellow-citizens. Though often solicited, he generally declined being a candidate for public office; yet he served the town respectably as selectman in 1797 and 1798, and as representative in 1815 and 1816. His children were eleven in number; of which, Samuel, a respectable physician of Eastport, died November 11, 1832; Susan, the wife and widow of the late Governor Hill, now lives at Concord; Elizabeth, wife of Richard Beadley, Esq., now resides at Concord also; Mary, wife of J. T. Williams, Esq., resides in the same town; and Charlotte, wife of W. Williams, Esq., now resides at Portsmouth.

Richard Hazen Ayer, the subject of this memoir, is the oldest of the family. At the age of *fourteen* he went into the yard of his father and took his chance as an apprentice. In this position he continued three years, working early and late, and enjoying but scanty opportunities for schooling. In the eighteenth year of his age, an accident occurred, that, though distressing at the time, and the source of much pain and anxiety for many months; yet, in the end, changed his entire plan of life, and was the real source of a long life of prosperity and usefulness. His father often purchased the fat beeves of the neighboring towns for slaughter, and thus made a double profit by selling their meat, and securing their hides at a reduced price, for his *tan-vats*. Young Ayer having been sent into the west part of the town to purchase cattle, in getting over a fence, jumped down upon a small stone and dislocated a bone in his right ancle. He succeeded in purchasing his cattle, and getting them home, but not without much pain and difficulty. A physician was called, but his limb grew worse under his care, and finally the young man passed the winter hobbling about the village upon crutches, with the prospect of being a cripple for life.

In this situation, after months of suffering, he happened into the store of Jacob Abbott, Esq., who advised him to visit Andover, Mass., and put himself under the care of the celebrated Dr. Thomas Kittredge of that town. Said the good old man, "go down to Andover, and put yourself under his care; it will take some time to cure you, but then he'll do it, and while he is curing your limb you can go to the academy and get a good education; and, young man, the injury to your limb will be the best thing that ever happened to you."

The thing was talked over, and in the following spring young Ayer went to Andover, got encouragement from Dr. Kittredge as to the probability of curing his limb; made arrangements to put himself under his care, and spent the summer at Andover, attending the academy under

Mr. Newman, during the week ; and on Saturday, constantly riding over to see Dr. Kittredge, and receive his attention to his crippled limb. Thus he spent four months ; at the end of which time, he had so far recovered from his lameness, as to be able to walk without crutches, and at the same time, had laid the foundation of a good business education.

The following winter he spent in the store of Mr. Towne, of Hopkinton, as an accountant. In the spring he had so far recovered his strength as to resume the business of his father, and he continued with him until his majority, when he went in foreman of the establishment, with the privilege of stocking certain wares on his own account. At the end of a year he was appointed a deputy by Gen. George Reid, of Londonderry, sheriff of Rockingham county. This was a situation well calculated to develop his business capacities, and at the same time was a profitable one, as there was no other deputy in the west end of Rockingham county, and a large and increasing population. He continued as deputy until 1807, having been deputed by Judge Peabody, of Exeter, who succeeded Gen. Reid in 1805 as sheriff of Rockingham county.

At this time, the lawyers who did the leading business in that section were Samuel Green, of Concord, and Daniel Webster, of Bosca-wen, and it was there that Mr. Ayer secured the friendship of Mr. Webster, so pleasantly continued to the present time.

In 1806 he was one of four contractors who built the bridge across the Merrimack, at "Isle of Hooksett Falls," and eight miles of the road from that place to Concord, for the Londonderry Turnpike Corporation. This, for those days, was a great undertaking, and during its completion Mr. Ayer was much upon the line of the road. This gave him opportunities to become acquainted with the capabilities of the regions of country about "Isle of Hooksett Falls," and his sagacity led him to determine upon settling at that place. His friends endeavored to dissuade him from his determination, but without avail ; and in the summer of 1807 he took up his residence on the west side of the Merrimack, at the foot of "Isle of Hooksett Falls," in the town of Dunbarton. In February of the same year he had married Miss Mary Green, the beautiful and accomplished daughter of Colonel Peter Green, who had been a lawyer of great respectability at Concord, who married, for his second wife, Rebecca, a daughter of the Rev. John Mellen, of Hanover, Mass., by whom he had five children—Mrs. Ayer being the fourth child. John B. Green, an eminent banker of Paris, lately deceased, was the second son. Mrs. Ayer is a specimen of the sterling wife—ever attentive to the interests of her husband, and at the same time making his abode one of pleasure after the perplexities of business, and ever one of agreeable and substantial hospitality to their numerous friends.

The fruits of this marriage were two daughters, Susan Rebecca, the wife of Dr. Enoch B. Barnes, a lady of much literary taste, and who died at the residence of her father, July 8th, 1852 ; and Mary Green, the wife of Dr. Amos G. Gale, a distinguished physician of Manchester.

At the "Isle of Hooksett" Mr. Ayer soon obtained a lucrative business, and entered largely into the lumber trade, his position proving a most favorable one for prosecuting the same to advantage and profit. In 1808 he was first commissioned as a justice of the peace for Hills-

borough county, in which office he has been continued in the various counties in which he has resided until the present time, having been for the last fifteen years a justice of the peace and of the quorum throughout the state. His business capacity soon attracted attention, and in 1810, though at the extreme line of the town, he was chosen a representative from Dunbarton, and represented that town for seven years in the legislature. In the House he attained a commanding influence, his opinions ever being formed with judgment and supported by sound sense. Of the democratic party, he was yet tolerant of others' views; and thus, while a stern leader in his own party, he yet commanded the respect of those of opposite views. In 1816 he was chosen an elector of President and Vice-President of the United States, the Electoral College, with the venerable Captain Thomas Manning as its chairman, throwing its votes for James Monroe.

In 1817 he was returned to the Council from the county of Hillsborough, succeeding Gen. Benjamin Pierce, who had been appointed sheriff of the county, and being in the Council of Governor Plumer. He was elected to the Council for five successive years, the last four being of the Council of Governor Samuel Bell. He brought to the council board the prime qualities of decision, sound judgment, and unbending integrity—qualities which have marked his course through life. His intercourse with Governor Bell resulted in a project long in his mind—that of the improvement of the "Isle of Hooksett Falls" as a water-power for manufacturing purposes. In 1823, in company with Governor Bell, John Bell, and Isaac Hill, he commenced arrangements for building a large cotton factory at these Falls, which was completed in 1824, at an expense of \$80,000. This was then one of the best and largest factories in the state. In June of 1822, principally through the exertions of Mr. Ayer, the town of Hooksett was incorporated out of territory comprised in the towns of Chester, Goffstown, and Dunbarton, which three towns each made an angle near the "Isle of Hooksett Falls."

At the March election following, he was chosen representative and chairman of the board of selectmen of the new town, which last office he held for seven successive years.

While a member of the house from Hooksett in 1823, the new county of Merrimack was formed, and Governor Woodbury made Mr. Ayer the high-sheriff of the new county.

He held this office until the close of the term in 1828, when the government of the state being in the hands of his political opponents, one of their number was appointed his successor.

The loss of office was to him no disappointment, as his extensive business required more of his immediate personal supervision.

But he did not long remain in retirement, as, upon the commencement of the new national administration, Gen. Jackson tendered him the office of naval store-keeper at the Navy Yard at Portsmouth, which he was induced to accept, as it would give him rest from the turmoil of active business.

He removed to Portsmouth in 1829, and entered upon the duties of his office, which he held for eight years, during the administration of Gen. Jackson. During his residence at Portsmouth, he received many

marks of the confidence of its citizens. He was chosen chairman of the board of selectmen; chairman of the committee to build the new almshouse, and during his entire residence was an efficient member of some board for the transaction of the affairs of the town. At the same time he entered earnestly into the private interests of the place, and the city of Portsmouth owes it mainly to his public spirit and enterprise, that she can boast one of the most substantial and best appointed hotels in the country, the splendid "Rockingham House," having been first started by a few individuals, who saw the need of a first-class hotel, of whom Mr. Ayer was first and foremost.

At length, in 1837, he resigned the office of naval store-keeper, and returned to Hooksett, to resume the cultivation of his farm, and to pursue a less exciting course of life. But a life of inactivity to such a man is impossible; and Mr. Ayer soon found himself as actively engaged in business as ever. It was about the time of the germination of the "Spindle City" of Manchester; and a proposition having been made, and accepted, to merge the stock of the Hooksett factory in that of the Amoskeag Company at Manchester, Mr. Ayer found his interests at once blended with one of the largest corporations in New-England. Of course it was a capital investment; but aside from this direct advantage, the connection conferred upon him still greater indirect advantages. As the result of his foresight, he was the owner of immense tracts of wild lands in Hooksett and its neighborhood, and an inexhaustible deposit of clay. The latter had been purchased by the late Judge Blodgett, who first improved the hydraulic power at "Amoskeag Falls," and constructed a canal about the same, for the express purpose of furnishing bricks for a future city of Manchester. Judge Blodgett lived a half century before his time, and did not see the consummation of his sanguine speculations. But Mr. Ayer, with equal sagacity, entertained the same opinion with Judge Blodgett, that the "Amoskeag Falls" must of necessity be occupied for manufacturing purposes, and give rise to a large manufacturing town; held on to his clay and woodlands, and thus was able to supply the immediate and pressing demand for bricks raised by the building up the city of Manchester. The result has been the addition of a handsome sum to an already ample fortune. But the result has not been for his benefit alone; others have come in freely for its advantages. The cutting and hauling the wood for burning; the making and boating to Manchester, a distance of eight miles, of from *one million to four millions of bricks annually*, for the last fifteen years, have given employment to a large number of men; and Mr. Ayer is no niggard of prices to men who do his work faithfully.

In 1840, he was again returned to the legislature from Hooksett, and also in 1841-2.

About this time he commenced investing largely in real estate in Manchester, and finally, in 1845, he took up his residence in that city. In 1848, he was chosen a member of the Electoral College, and, upon organization, was chosen its president, which cast its votes for Governor Cass for president. And here we would remark, that few men can preside over any public body with more aptitude or dignity than Mr. Ayer. Ready, self-possessed, with a fine commanding person, he makes a pattern presiding officer.

In December of 1848, upon the organization of the "Amoskeag Bank," Mr. Ayer was made its president, which office he still most acceptably holds. In 1850, he was chosen, from the city of Manchester, a member of the convention to revise the constitution of the state. In this body he was a most efficient member, ever favoring the incorporation of the most liberal provisions into that instrument.

By his straightforward, judicious and liberal course, he won the respect of all and the esteem of most of that convention. Professor Sanborn, of Dartmouth College, a member of that convention, and a political opponent, in sketching the characters of its most prominent members, thus spoke of Mr. Ayer:—"One of the oldest men in the convention was Richard H. Ayer, of Manchester. He has been much in public life, and has exerted a powerful influence in the politics of New-Hampshire for the last forty years. He has been in his day a man of commanding eloquence, strong in debate and energetic in action. He was very appropriately denominated by Joel Eastman, the Ajax Telamon of the democratic party in the convention. In past years, he has *undoubtedly* espoused and advocated the particular policy of that party with great warmth and power. He is now in the winter of life. His passions are subdued, but his judgment is mature. He showed, in all his votes and speeches, an unwonted liberality of sentiment. He evidently aimed at justice and equality in the measures he advocated, rather than the success of the party of which he was an honored member. In this assembly, his recorded votes and opinions publicly expressed do honor both to his head and heart." This is his last public office, as Mr. Ayer has frequently expressed the wish to his friends to keep entirely free from public business of any kind, wishing to secure that freedom from cares his advanced age so peremptorily demands. This is the more to be desired, as the care of a large estate still demands his continued attention, and receives it with a punctuality and directness that should be an example to men of business, his junior by many years.

In person, Mr. Ayer is above a medium height, with a strong, well-knit frame, capable of great endurance in middle age; and now, although inclined to corpulency, and in the very "sear and yellow leaf of life," still active and capable of much service; a broad and expanded forehead, a full blue eye and a wide full face, in which the predominant reading is benevolence—most strikingly illustrated by the charities of a long life. For no man in New-Hampshire can better have judged of the truth of that saying, "It is more blessed to give than to receive." No charitable enterprise, deserving his patronage, appeals unsuccessfully to his open purse; no unfortunate but deserving individual goes unsatisfied from his door; while his continual kindness of feeling prompts him to the bestowal of those unasked but equally deserving, and often more charitable alms, which, "unseen of men," yet sure in their effect, bring comfort to the afflicted, relief to the unfortunate, and to the giver, the blessing of Him who took note of the *mite* of the "poor widow," because bestowed in the pure spirit of charity. Such is a brief sketch of Hon. Richard Hazen Ayer—a self-made man in every sense of the word; an example of that sentiment of the great fact, that "worth makes the man," so happily recognized and guaranteed by our glorious constitution.

HON. JOSEPH M. HARPER,

PRESIDENT OF MECHANICS' BANK, CONCORD, NEW-HAMPSHIRE.

THE subject of this memoir was born in Limerick, Maine, on the 21st of June, A. D., 1787, and of the independence of the United States of America, the eleventh.

At that early period of our country's history, the sources of wealth were not sufficiently developed to afford the new settlers those comforts and conveniences of life which are at this era of national prosperity so widely diffused, and so abundantly enjoyed by millions of intelligent and happy freemen.

The father of Joseph M. was a farmer in comfortable, but not affluent circumstances, and with a family of ten children depending upon him for support and maintenance, found it impossible to afford them other than very limited privileges of obtaining education.

Joseph M. was consequently employed in labor on the farm from the beginning of the spring to the latter part of the autumn months; and in the winter, tending the stock and driving a lumber team to Portland, Saco, and Kennebunk, seaport towns, about twenty-six miles from Limerick. He was released from this employ about eight weeks in the winter to attend a district school; the town being in its infancy, this was all the educational privilege afforded.

Of these early scenes, he says in a small memorandum kept by himself years after:—"I spent my time at school in a manner to gain this appellation,—'Joe. Harper is the best scholar and biggest rogue in school'—for if there was any boyish mischief afoot, I was sure to be among the leaders, and as sure to have my lessons ready at the teacher's call."

Working on a farm was never suited to his taste; and as time advanced he grew more and more averse to it, and at length made application to his father to permit him to seek some other kind of manual employment, or afford him some means to procure an education. The former he did not choose to do, the latter he *could* not. Of this period he says in his memorandum:—"There then appeared but two alternatives; to continue my labor at farming, or leave my father and look out for myself." I decided on the latter course, and on the 22d of May, 1803, being then about 16 years of age, I left home and bent my steps toward Portsmouth, N. H.; without any definite idea of where I was to go, or what business I was to follow. I traveled as far as Newington, and let myself for one month to a Mr. Pickering for the sum of nine dollars. Before the time had expired I began to repent my bargain. A local disease, from which I had for a considerable length of time experienced much inconvenience, increased upon me, so that I found I could not, without risking permanent loss of health, continue the hard labor of a farm. My education being insufficient for teaching, I was at a loss what course to pursue. At this crisis, my father came to see me, and advised me to return home. I accordingly did so, and continued with him till the spring of 1806, performing some light labor



Prof. J. H. ...

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The following is a list of the names of the persons who have been elected to the office of President of the United States, from 1789 to 1915, in the order in which they were elected. The names are given in the order in which they were elected, and the year in which they were elected is given in parentheses. The names are given in the order in which they were elected, and the year in which they were elected is given in parentheses.



THE UNIVERSITY OF CHICAGO

I. M. Harper

PRESIDENT OF THE MECHANIC'S BANK,
AT CONCORD, N H.

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in the summer months, and attending school through the winter, or reading and studying at home. About the 1st of June, 1806, I was sent to the academy at Fryeburg, Me., and continued there five or six months; the ensuing winter taught a school in Limington, and at its close, a second in Buckston, at which latter place, I boarded with a Dr. Brewster, and the hours I was not engaged in the school-room, read different medical authors, and prepared medicines under his supervision. These circumstances tended to strengthen a desire I had for some time cherished of becoming a member of the medical faculty, and I soon after commenced a regular course of study with Dr. William Swasey, in my native town, under whose tuition I remained till July, 1808, and then went to Canterbury, N. H., and spent my last year with Dr. Jonathan Kittredge. I then attended the private anatomical and physiological lectures of Dr. Ramsay, a celebrated Scotch anatomist at Fryeburg, Me., and Concord, N. H., and afterwards a course of medical lectures in Boston, Mass.

"I was now ready to establish myself in my profession, and for several months remained unsettled, traveling through different portions of Maine and New-Hampshire, unable to fix upon a stand that suited me in all respects. I at length concluded to settle for a while in Sanborn-ton, N. H., and did so about November, 1810—remaining through the winter; but there being several of the faculty in the place, the prospect of gaining a tolerable share of practice was rather dubious, and in April of the next year, a more eligible situation presenting at Canterbury, (a place to which I was more strongly attached than any in the world, for what reason I could not tell,) I went there and commenced business to better advantage than I had hitherto done. About this time I experienced religion, and became a member of the 'Free Will Baptist Church.'"

Here, it is to be regretted, his memorandum ceases, and the remainder of this sketch is made up of such facts and incidents as now recur to his memory. With this in view, it will be evident, that through a long life, chequered and varied as his has been, though what is collected may be undoubtedly correct, many points it might be well to notice may be glanced over, and things of interest lost or forgotten.

During the whole course of the troubles with Great Britain, out of which grew the war of 1812, he was an unwearied and unflinching advocate for his country, for free trade and sailors' rights. He sustained the embargo, the non-intercourse, and every act of the government up to the declaration of war, and when that came he engaged heartily in its support, encouraged enlistment, and urged the necessity of carrying it on with all the resources and energy of which the nation was capable. He was at that time in the practice of his profession, with good prospects of success. He left this, and joined the army in Jan., 1813, in the capacity of second surgeon of the 4th regiment of U. S. infantry, commanded by Colonel Robert Purdy, and continued in that capacity until the close of the war in 1815. He then returned to Canterbury, and resumed his practice of physic and surgery for several years, devoting his time and talents almost exclusively to his profession. He was about this time elected a Fellow of the New-Hampshire Medical Society.

June 6th, 1816, he married Miss Elizabeth Clough, daughter of Oba-

diah Clough, Esq., of Canterbury—a lady, as time has proved, abundantly possessed of those female virtues which serve to adorn the walks of private life. While she has ever given home the first-fruits of her care and affection, she has to the fullest extent obeyed the scriptural injunction, "Remember the poor." Kindness and benevolence are not less her characteristics than a gentle, but firm decision, adherence to established principles, independence of nature, and strong attachment to friends.

Three children blessed this union—two sons and a daughter.

The eldest son, Joseph C. Harper, Esq., is married, and resides in London, N. H. He has two years represented that town in the state legislature, and as a magistrate and a man of business stands high among the first class of citizens in his community.

The second son, Charles A. Harper, was a graduate of Dartmouth College, A. D. 1834, at the age of nineteen. He read law, and commenced practice in Clarksburg, Va., where he remained several years, and then, on account of enfeebled health, was induced to resort to a milder climate. In 1845 he went to Texas, and became deeply interested in the war with Mexico. When a volunteer regiment was called for from that state, he joined the one commanded by Colonel Jack Hays, was chosen adjutant, and acted as such through the campaign. At the siege of Monterey this regiment was with General Worth's division, and in the advance during the three days' hard fighting, being the first that entered the city.

He is now married, and resides at Indianola, Texas, in the practice of his profession.

The youngest, a daughter, now resides with her parents. She possesses fine literary taste, and is to some extent known as a poet and prose writer. Her health is extremely delicate.

Aside from the duties of the medical profession, Joseph M. Harper has transacted during his life a large amount of business pertaining to the functions of the law—such as executor of wills, suits at law, references, and probate affairs.

In political matters he has ever taken an active interest, being always a staunch democrat of the old school. When a boy of seventeen, he took an active part in advocating the claims of Mr. Jefferson at his second election to the presidency in 1804. He voted, for the first time in his life, for James Madison, on his coming into power in 1808; and during the great struggle between the republican and federal parties, as they were then styled, from Jefferson's second election to the declaration of war in 1812, and through the war, he acted a noble and conspicuous part, attended the meetings of the democratic party in town, county, and state, making frequent speeches, and producing arguments for the support of republican government and rule in the halls of the nation. His remarks were never long and windy, but brief and to the point, as were the articles he from time to time presented for the public press.

From a printed copy of an address, delivered by him at Sanbornton, New-Hampshire, on the fourteenth anniversary of Gen. Jackson's victory at New-Orleans, we present an extract, as elucidating his views upon the two dominant parties which arose in the infancy of our country,

and have, with different degrees of success, sought ascendancy and control down to the present time:

"But it will be necessary for me on the present occasion to turn back the page of modern history a few years, and give a brief and succinct account of the two parties in our country, from the close of the Revolutionary war up to the time of the recent and signal victory gained by the Jeffersonian republicans in the triumphant election of the hero of New-Orleans to the presidency.

"At the commencement of that war two distinct parties arose, which have continued to agitate this happy land down to the present time. At one time they have appeared to be nearly swallowed up in the prosperity and quietude of the country; at another, to threaten our very existence as an independent nation by their violence of contested opinion and party fury.

"They were first known by the appellation of Whig and Tory. And it would have been for the peace, honor, and dignity of the commonwealth, had they been known to the present day by no other names, and the lines between them marked with that precision they were when Washington was in the field, or Jefferson in the counsels of the nation.

"During the struggle for liberty and independence, the whigs risked everything a patriotic people could risk for their country's freedom. Heaven smiled propitious; victory turned on the side of the rights of man; but, while the whigs were fighting their country's battles, the tories remained idle spectators, or fled to the enemy's ranks for safety from their own people's indignation. After the close of the war a remnant of this recreant party was left in our midst. They were, as a body, wealthy, compared with the whigs, who had expended without sparing their property in the glorious contest. They possessed talents, craft, and subtlety, and began to declaim loudly of their respect for *American rights*. By their plausible conduct and fair speeches many of them wormed themselves into places of trust and power.

"At the formation of our most excellent constitution some of the whigs had so far joined the tory party as to advocate a stronger form of government, more aristocratical, with an hereditary president and senate. And the worshipers of titles, stars, and garters so rapidly increased, that in 1797 an advocate for the divine right of kings was placed in the chair of state, and a 'reign of terror' commenced. The aristocratical party assumed the specious name of federalists, declared the tory party extinct, became vociferous for American rights, and mounted the black cockade as a token that they were pledged to the then reigning dynasty, and would support the illustrious house of Braintree; and piously branded all who would not 'hold up the hand or kiss the book,' with the epithets of Jacobins and French citizens.

"Among the arbitrary and anti-republican measures of this administration were the sedition law, the alien law, the raising of a standing army, the odious stamp act, and a direct tax on almost every species of property.

"Such were some of the leading features of the young federal government, with the first Adams at its head; all of which had a direct tendency to remove the veil from the minds of the substantial yeomanry

of the nation, and pave the way for the elevation of the immortal Jefferson to the presidency in 1801, thus effecting the ascendancy of the democratic party."

In March, 1826, he was elected to represent his town in the state legislature and again in 1827, which office he filled to the entire satisfaction of his constituents. He took an active part in the house of representatives.

In 1829, he was elected to the senate of New-Hampshire, where he sustained himself as a worthy member.

During the June session of that year, a resolution was passed by the legislature, authorizing the governor, with consent of council, to appoint some one as an agent of the state, to go to Connecticut and gather facts and general information concerning the culture of the mulberry tree, the methods of raising the silkworm and the manufacturing of the silk.

He received this appointment, and the July following proceeded to Connecticut, collected all the information possible on the subject, and made a report at the June session of 1830, which was printed in pamphlet form and circulated gratuitously through the state.

He was re-elected this year (1830) to the senate, and on organizing, chosen president of that body, over which he presided with honor to himself and general satisfaction to the public.

By the constitution of New-Hampshire, the president of the senate acts as governor in case that office is vacated by death, resignation or otherwise.

On the 28th of February, 1831, Hon. Matthew Harvey, then governor, resigned his office, being appointed district judge of the U. S. Court, for the district of New-Hampshire. Consequently, J. M. Harper assumed the title and held the office till June of the same year.

In March, 1831, he was elected one of the representatives from New-Hampshire to the twenty-second Congress of the United States, it being the second Congress of the first term of Gen. Jackson's presidency. He took his seat in the month of December of the same year. In 1833, he was re-elected, and served in that capacity the two first years of President Jackson's second term.

During the whole four years he was in Congress, there was much party strife, and frequently a high state of animosity between the two great political parties throughout the country, as well as between their respective representatives in the congressional halls.

The whigs contended that the welfare and prosperity of the nation depended on a national bank, a protective tariff, and an extensive and liberal system of internal improvements instituted by the national or general government.

The president, the cabinet, and democratic party opposed these leading measures of the whigs, and the contest was ardent and discussions able and protracted on both sides.

He was a strong and faithful supporter of Jackson's administration, and though not a fluent speaker, did much by steadfast, unyielding attachment to the cause he had espoused. He uniformly sustained the president in his bold measures of the removal of the deposits of the public funds from the United States Bank, his veto of the bill to re-

charter the same, his proclamation in relation to South Carolina nullification, and others of like character; for which marked and decided course he received much vituperation from the whig party.

For the two last years of his term, he was on the committee of commerce, and during the last session acted as chairman a large portion of the time.

He was always in his seat in the house, and always present at the meetings of the committees, discharging duty with promptness and fidelity.

He closed his congressional career in March, 1835, and with it his political life, as to any public office or station; yet he has not been an indifferent spectator of what relates to his country's prosperity. He is still a warm supporter of the republican cause, and feels a lively interest in the universal emancipation of the whole human family from tyranny and oppression. He is, and ever has been, an uncompromising advocate for universal suffrage in politics, and universal toleration in religious faith; believing that that faith cannot be materially wrong which produces good effects.

He experienced religion October 5th, 1810; was baptized by immersion, and united with the F. W. Baptist Church in Canterbury, of which he still continues a useful and honorable member. In April, 1838, he was ordained an elder to take the lead in meetings of public worship, and administer the ordinances. For several years, the church being destitute of a pastor, he officiated in that capacity, yet never considered himself called to relinquish all other business and devote himself entirely to the ministry. He, notwithstanding, possessed a gift of exhortation and teaching which proved salutary in the church, and tended much toward its prosperity and enlargement.

On leaving public life, he retired to his farm in Canterbury, where he still resides, not as an idler or drone in society, but is still recognized as an industrious, persevering, energetic man, constantly employed either on his farm or in transacting business for his friends and neighbors, in the capacity of agent, trustee, referee, attorney, &c., &c.

He is and has been president of the Mechanics' Bank, in Concord, for many years; also one of the directors of a savings' bank in that city, and president of an insurance company in Canterbury.

By industry and economy he has accumulated a sufficiency of this world's goods to place him in easy circumstances for the remainder of life. He still resides on his farm in Canterbury, in the enjoyment of good health, with the exception of a slight rheumatic affection, and hopes for a better inheritance beyond the grave.

AARON V. BROWN,

LATE GOVERNOR OF TENNESSEE.

AARON V. BROWN, late Governor of Tennessee, was born on the 15th of August, 1795, in the county of Brunswick, Virginia. His father, the Rev. Aaron Brown, enlisted, when not yet of lawful age, for three years in the Revolutionary army. He was in the battle of Trenton, and participated in that ever-memorable march through the Jerseys, where the course of the American army was known to the enemy by the blood of its bare-footed soldiery. He was also one of the sufferers in the encampment, at Valley Forge, during the severe winter of 1777-8, where disease, and famine, and nakedness, so often drew tears from the illustrious Washington. At the close of his term of service, he returned to the county of Brunswick, where he continued to reside for nearly forty years in the midst of those who had witnessed his early and patriotic career, respected and beloved by all as a faithful and useful minister of the gospel, of the Methodist persuasion; an upright civil magistrate, a staunch republican of the old Jefferson school, and an honest man. The subject of this memoir was the issue of his second marriage, with Elizabeth Melton, (corrupted from Milton,) of Northampton county, in the State of North Carolina.

Except in the simplest elements, Gov. Brown was educated in the last-mentioned state. He was sent when very young to Westrayville Academy, in the county of Nash, in order to be placed under the care of Mr. John Bobbitt, one of the best scholars and teachers of the time. After continuing here for two years, he was transferred, in the year 1812, to the University of North Carolina, at Chapel Hill. He graduated in this institution, in 1814, in a large class, of which Senator Mangum and ex-Governor Manley, of North Carolina, were also members. The duty was assigned to him by the faculty, and confirmed by the trustees, of delivering the valedictory oration on commencement day, and the service was performed in a manner which produced the most striking impression on the large assembly then in attendance. The collegiate career of but few young men is marked by incidents of sufficient importance to be recited in a notice like this. Industry in preparing for and punctuality in attending at the hour of recitation, as well as the most cheerful conformity to the rules of the institution, were the most striking characteristics of his educational course.

Having finished his educational course, Gov. Brown returned to his parents, who, in the previous year, had removed to the county of Giles, in the State of Tennessee. About the beginning of the year 1815, he commenced the study of law in the office of the late Judge Trimble, in the town of Nashville. With this gentleman he continued to read for two years, and now often refers to him as one of the most systematic, able and upright men he ever knew. Having obtained a license, he opened an office in Nashville, and commenced practice in that city with the most flattering prospects of success. About this time, how-





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JOHN A. V. BROWN.

EX-GOVERNOR OF TENNESSEE.

Engraved for the Trustees of the American Bible Society, 1850.

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ever, Alfred M. Harris, who was engaged in a very extensive practice in nearly all the southern counties of Middle Tennessee, accepted a place on the bench, and solicited Gov. Brown to remove to the county of Giles and close up his extensive business for him. The opportunity was inviting, and that being the residence of his now aged parents, he determined to settle in that county. Taking charge at once of an extensive practice, both civil and criminal, including the land litigation, then an important and almost distinctive branch of the profession, Gov. Brown found all the resources of his mind brought into immediate requisition. No time was to be lost in idleness—none to be devoted to pleasure. We remember that one of his maxims about this period was, "Always to be first at court, and never to leave it until the adjourning order was made." Under such habits it was no matter of surprise to those who observed them, that there were but few causes of importance in the counties in which he practised, in which he was not engaged.

In a few years after Gov. Brown commenced his career in Giles, the late President Polk commenced his in Columbia, in the adjoining county of Maury. They soon formed a partnership in their profession, thereby extending the field of their professional labors into more counties than they could have done without that arrangement. This partnership continued for several years, and until Mr. Polk engaged in his congressional career. Its dissolution brought no termination to that cordial friendship, personal and political, in which it had commenced, and which continued unabated until the death of the late lamented president. Gov. Brown continued engaged in his profession until the year 1839, when, having been elected to Congress, he gave it up altogether. Much of the time in which he was in regular and full practice he was also a member of one branch or the other of the state legislature. This service being near home, and the counties he represented being those in which he practised, produced no material impediment to the progress of his professional business. But the case was different in the distant service in the Congress of the United States.

Gov. Brown served as a senator, from the counties of Lincoln and Giles, at all the sessions of the legislature, regular and called, from 1821 to 1827, inclusive, except the session of 1825, when he was not a candidate. In the session of 1831 and 1832, he was the representative of the county of Giles in the other branch of the general assembly. His course was distinguished at all times, as a legislator for the state, for his determination to sustain an independent and able judiciary, and to build up an enlightened, liberal, and impartial system of jurisprudence in the state; and, we hazard nothing in saying, that, in searching through the statutes, one will find more laws of a general and permanent nature which emanated from him than from any one of the other public men of the state. He was longer in that service, and, by professional experience, may be presumed to have understood the defects of existing laws, and how to remedy them. Throughout his service in the legislature he evinced a strong disposition to diminish the number of offences which should be capitally punished. He did not propose or wish to *abolish* such punishments altogether, but only to reduce and limit them

down to the smallest possible number of cases, consistent with the necessary self-defence of society against the aggressions of the lawless and abandoned. At the session of 1831-32, by the order of the judiciary committee, he prepared an elaborate and able report, which he submitted to the house, on the subject of capital punishments, which attracted great attention throughout the Union.

Gov. Brown first became a candidate for Congress in 1830. At two former elections the whigs had carried his district by majorities ranging from eleven to twelve hundred votes. His competitor, the Hon. E. J. Shields, had served in the two preceding Congresses. He was a gentleman of fine talents, and one of the most plausible and handsome debaters of his party. When the election came off, however, Gov. Brown was found not only to have overcome the large party majority against him, but to have overcome it by the immense majority of sixteen hundred and one votes. He was re-elected for the called session of Congress in 1841, without having any opposition. In 1843, the congressional district was altered so as greatly to diminish the democratic majority by which Gov. Brown had been usually elected in the old district. This induced hopes that he might possibly be beaten in the new one, and all the regular steps were taken to present a competitor in the person of the Hon. N. S. Brown, now minister to Russia. The result, however, demonstrated that the democracy of the new district, although not in so large a majority as in the old one, was nevertheless equally invincible.

During the period of his congressional service, beginning in 1839 and ending in 1845, Gov. Brown seems to have been an active member, taking a part in nearly all the great questions which came up during that eventful portion of our political history.

In May, 1840, he delivered a speech in reply to Mr. Bell, on the bill introduced by that gentleman, "to secure the freedom of elections." He also made a speech on the celebrated New-Jersey case, having been a member of the committee which reported on the same. His speech on the burning of the *Caroline*, to be found in the *Congressional Globe* and appendix of 1841, was listened to by the house with profound attention and emotion, and is regarded by his friends as one of his ablest efforts in Congress. He was a member of the committee which framed the tariff of 1842, and united with the minority in presenting an able and conclusive report against the principles and details of that measure. When the bill came up for discussion, Gov. Brown made a clear and powerful argument against it, opening the debate on the democratic side of the house. On the 4th of August, 1841, he delivered a speech against the fiscal bank bill, which occupied so large a portion of public solicitude at that time. He made speeches in 1844 on the remission of the fine imposed on Gen. Jackson at New-Orleans, and against receiving and reporting on abolition petitions; also, on the right of members elected by general ticket to their seats.

It was in December, 1844, that Gov. Brown found it necessary to reply to sundry speeches of Mr. Adams, made in Massachusetts, in relation to the negotiation of the Florida treaty. That reply having a direct reference to incidents occurring in the congressional career of

Gov. Brown, may be seen in the *Daily Globe* of December 14, 1844. A reply to Mr. Adams, on the Oregon bill, may be seen in the "Constitution" of January 29, 1845, and also a reply to another speech of Mr. Adams may be seen in the *National Intelligencer* of February 3, 1845.

On the 12th March, 1844, Gov. Brown, as chairman of the committee on territories, reported a bill to extend the civil and criminal jurisdiction of the several courts of the territory of Iowa over the territory of Oregon, and for other purposes. At the next session he reported another bill, organizing a territorial government for Oregon, which passed the house by a large majority, but was lost in the senate.

Governor Brown's service in Congress ended with the commencement of President Polk's administration. He declined any office under the administration, and determined to return home and devote himself to the education of his children and the management of his own private affairs. Before he reached home, however, he was nominated by the democratic party as its candidate for governor. He met the news of this nomination at Pittsburg, and hesitated many days whether he would accept it or not. It conflicted with all his purposes to retire to private life to accept it, and opened a wide field of labor with but little prospect of success. Mr. Polk had failed twice for the same office, and could not carry the state in his presidential race, under all the zeal and excitement which it created. Besides this, Mr. Polk, in organizing his administration, and selecting his friends for different offices, had withdrawn from the state some of the most influential and powerful members of the party. He himself was gone, Hon. Cave Johnson was gone, General Robert Armstrong was gone, and several others whose weight had been always felt in state elections. Discouraging, however, as were the prospects, he finally determined to take the field against Colonel Foster, a late senator, and one of the most popular and able men of the whig party. The discussions of the canvass turned chiefly on the tariff, the Texas and the Oregon questions.

In this canvass Gov. Brown was elected by a majority of 1,500 or 1,600; but in that of 1847, he was defeated by about half that number. For the last twelve years parties have been so nearly balanced in Tennessee that they have carried the state alternately against each other. The one last defeated brings to the polls at the next election a little more zeal and determination to retrieve their last misfortune, and are therefore very apt to prove triumphant.

In the next year, 1848, Gov. Brown was a candidate for elector for the state at large, and canvassed it with great vigor, sustaining and even surpassing the reputation which he had previously acquired.

In 1850, he was a member of the Southern Convention held at Nashville. He concurred fully in the resolutions passed at the first session of that body, but dissented from and protested against the address. At the second session of that body in November following, Gov. Brown dissented altogether from the report submitted by the committee on resolutions; and, to exhibit his own views and those of the democracy of the state, prepared what was called and known as the Tennessee Platform, which, after being submitted to the delegation of the state and being approved by them, was by their order submitted by General

Pillow to the convention. His whole course at both sessions was eminently conservative. At neither session, and at no stage of the slavery agitation, would he hear or think of a dissolution of the Union. He considered secession or a dissolution of the Union as no remedy for alleged grievances. His favorite remedy against the whole series of aggressions was *retaliation*, as set forth in the Tennessee Platform. This he believed would soon exhibit to the North a greater power to injure them than they have had to injure the South; and that, upon the simple principle of self-interest, both sections would presently cease the profitless controversy.

The last public station which Gov. Brown has occupied was that of a delegate from the state at large in the late Baltimore convention. He introduced a very important resolution into that body, raising a committee of one from each state, to be appointed by the delegates from each state, to whom all resolutions relative to the principles or platform of the democratic party should be referred without debate. The importance of such a reference, *without debate*, was instantly perceived, and the resolution was adopted. He was unanimously appointed the chairman, and subsequently reported the platform, which has given such general satisfaction to his party in every portion of the United States. Gov. Brown has reason to be proud of the concurrence of his party in the platforms which, at different times, he has prepared for them. He was the author of the Tennessee platform in the Southern Convention. He prepared and presented the platform which was unanimously sanctioned in the convention at Nashville, on which the last gubernatorial battle was fought in Tennessee; and that he had the honor assigned to him of reporting the national platform of democratic principles at the late convention was highly gratifying to his numerous friends.

JOSIAH BRIGHAM, ESQ.,

OF QUINCY, MASSACHUSETTS, PRESIDENT OF THE QUINCY STONE BANK.

FROM the town which has been rendered illustrious as the birth-place and residence of two presidents of the United States, the Adamses, father and son, and of John Hancock, and Josiah Quincy, the patriot, we present the subject of the following sketch. Mr. Brigham, for his fidelity and success in commercial pursuits, and in other trusts, through nearly half a century, is entitled to a notice in these pages.

We find early mention of the family in England. Nicholas Brigham, it appears, who died in 1559, was a native of Oxfordshire; educated at Harthall and at one of the Inns of Court. He was eminent not only as a lawyer but as a poet and an author, and was so partial to Chaucer that he removed his remains to the south transept of Westminster Abbey, where he erected a monument to his fame.

Thomas Brigham, supposed to be the progenitor of all the Brighams in this country, came from England at the age of thirty, with his wife, (Mercie Herd,) to Cambridge, Massachusetts, about 1634. It ap-



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AMT. C. STONE

Josiah Brigham

ESQ. OF THE CITY OF NEW-YORK

1842-1843

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pears that he was made freeman in 1637. One son, Thomas, accompanied him. Two others were born at Cambridge—John, March 9, 1644, and Samuel in 1652. The father died there, January 8, 1653. The widow and her children next appear in Sudbury, where she married Edmund Rice, March 1, 1655. They removed to Marlborough, where he died, May 1663. His widow then married William Hunt, in 1664. He died in Marlborough, October, 1667; and she (his widow) died December 23, 1693.

Thomas, the elder of three brothers, "married Mary, his wife," so runs the record, December 27, 1665. They had three sons, Nathan, David, and Silas. David married Mary Newton, and by her had one daughter and two sons, Jonas, born 1716, and Levi, born 1717. Levi (Col.) married Susanna Grout, of Watertown, June 6, 1745. They were the grand-parents of the subject of this sketch. He died in 1787, aged 70, and his widow in 1816, aged 96 years.

They had eight children. Levi, born 1746, settled in Fitzwilliam, New-Hampshire. Joseph, born 1747, who was suddenly killed by a fall, 1760. Elijah, born 1750, graduated at Dartmouth College, 1778, and engaged in trade at Westborough with Breck Parkman. He was afterwards appointed one of the judges of the Court of Common Pleas in Massachusetts. He was for several years representative in Congress; and, while a member of the house, died suddenly at Washington from an affection of the croup, February 22, 1816, aged 66. Josiah, born 1753, physician in Westborough, and died 1788. Susanna, born 1754, wife to Breck Parkman. Winslow, the father of the subject of this notice, was born at Northborough, 1756, and died there, September 4, 1837, aged 81 years. His widow, a worthy and much esteemed woman, died there February 7, 1847, at the age of 90. Mindwell, born 1760 and died 1784, and Anna, born 1763 and died 1790, complete the list.

Winslow, the sixth child, married Alice Cushing, daughter of the late Colonel Job Cushing, of Shrewsbury. Their children, who lived to grow up, were Nathaniel, Alice, Josiah, Lucy, Cushing, Nancy, Emery, Mindwell, Lydia, and Winslow. Three others died in infancy.

Josiah, the fourth son, and subject of this memoir, was born at Northborough, Massachusetts, September 1, 1788. His father was a farmer, and owned and occupied one of the pleasantest and most valuable estates in the town, on which he had spent the whole period of his life, with the exception of one year of service in the war of the Revolution. The same estate had been owned and occupied by his father, Colonel Levi Brigham, also by his grandfather, David Brigham, and also by his great-grandfather, Thomas Brigham, son of the first Thomas who came to this country, as above stated. He, the second Thomas, about the year 1665, took up as common land, and settled upon said estate, together with other lands adjoining the same, comprising about 500 acres, which now compose several other separate estates, and all which, for many years, were owned by the Brighams, one of which is that large and beautiful farm in Westborough, now owned by the state, on which is located the State Reform School for boys. The Brigham estate is situated in front of Little Chauncy Pond, on the southerly line, between Northborough and Westborough, adjoining said state farm. Nathaniel

an elder brother of the subject of this memoir, now owns the said estate. It has thus been owned and occupied by the family for nearly two hundred years, and through five successive generations. The other estates have all passed out of the names.

Josiah remained at home till he was 21 years of age, enjoying the care of virtuous and pious parents. The advantages for general education afforded the young at that period were comparatively limited, and were confined to a few months' instruction each year in the district schools. Agriculture was a favorite pursuit with his father, but for this Josiah had little fancy. Knowing that he must depend upon his own exertions for support, he concluded to fit himself for teaching school, and for this purpose was entered a pupil at Leicester Academy. In the winter of 1809-10, he was engaged as teacher in one of the public schools in East Sudbury. The same school he taught the succeeding winter. In April 1811, he removed to Quincy, where he has ever since resided. He went there as teacher in the only annual public school then in town, and continued in the same school three successive years. In this important and responsible office he was very successful, having qualities which won for him alike the confidence of parents, and the respect and good-will of his pupils. From boyhood he had been inclined to mercantile pursuits, and he accordingly relinquished the office of school-teacher in the spring of 1814, and engaged in trade at Quincy. Here, for nearly forty years, he has been thus employed—the upright and successful merchant. He married, November 23, 1814, Miss Elizabeth, daughter of Mr John Fiske of Northborough. Mr Fiske died, March 26, 1837, aged 76. His wife, the daughter of the Rev. Abner Ballou, a baptist clergyman of Cumberland, Rhode Island, died January 3, 1819, aged 57 years.

They had five children, James Ballou, Nathan, Elizabeth, John, and Horace S. Mrs. Brigham, the only daughter, is a very worthy lady, of strong mind, but of slender constitution. She is most faithful and devoted in all domestic concerns, industrious and energetic; and it may with truth be said of her, that "she looketh well to the ways of her household, and eateth not the bread of idleness."

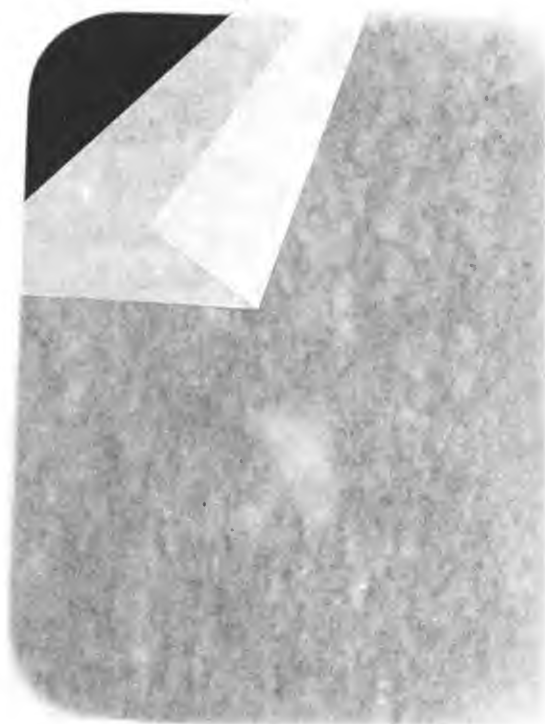
Mr. Brigham has two children, Abigail Fiske, born December, 30, 1816, and Elizabeth Ann, born April 2, 1820. The former married, November 10, 1842, James A. Stetson, M. D., of Quincy; and the latter married, November 4, 1840, Charles F. Baxter, merchant, of the firm of W. & S. Phipps & Co., Boston.

Thus happy in his domestic relations, Mr. Brigham has enjoyed the uninterrupted confidence of the community in which he has resided. In August, 1814, he became associated with the Quincy Light Infantry, an ancient and respectable military company, then under the command of Captain Thomas Tirrell. This company was drafted into the service of the country in the war of 1812 with Great Britain, and was ordered to Boston on the 12th of September, 1814. It was encamped at South Boston with the troops there stationed under the command of General Maltby. Mr. Brigham was with the company through this service; and in 1823, having previously filled every subordinate office in the same, he was elected its commander. It was one of the best disciplined companies in the state. In the year 1826, Mr. Brigham was chosen



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lieutenant-colonel of the third regiment of the first brigade in the first division of the Massachusetts Militia; but having been several years in the service, he saw fit to decline the honor.

By diligence, and fidelity, and unswerving integrity, Mr. Brigham has enjoyed the confidence of those with whom he has had intercourse and dealings. The esteem of his fellow-citizens has been manifested in their selection of him to fill the various offices of honor and trust in the town, and in the parish with which he is connected, as clerk, assessor, treasurer, member and chairman of the General School Committee. He has been for many years trustee or director in several moneyed institutions, clerk and treasurer of the Quincy Canal Corporation from its first organization in 1825 to the present time, and is at this time trustee and president of the Board of Investment of the Quincy Savings' Bank, and president of the Quincy Stone Bank. The commission of justice of the peace he first received from Governor Everett. Possessed of excellent judgment, he has never engaged in hazardous speculations, but confined himself principally to the legitimate operations of his vocation. For more than twenty years, Israel W. Munroe, a worthy, upright, and efficient gentleman, has been associated with him as partner in trade. By personal application to business, by perseverance, and economy, and unsullied honor, he has acquired for the evening of his life a competent estate. Amidst the cares and responsibilities of commercial and civil life, he has not been unmindful of his religious obligations. He is never absent, forenoon or afternoon, from the stated worship of the Sabbath, and both he and his lady are found at the communion-table of Christ. His regular and temperate habits through life have secured for him general health and vigor of constitution. In social intercourse he is frank and affable. In manners, he well illustrates the Christian gentleman. Through life he has given the constant weight of his example to the cause of good order, of sound morals, of virtue and piety in the community. We take pleasure in presenting his upright and successful career to the young men of our country seeking the paths either of mercantile or official trusts and preferment. While encouraging them in the honorable pursuit of wealth and outward reputation, so will it especially teach them of the only secure basis on which outward reputation and success can rest—a character strong in integrity and in that fear of the Lord which is the beginning of wisdom.

THOMAS NELSON,

CHIEF JUSTICE OF OREGON,

WAS born at Peekskill, in Westchester County, New-York, on the 23d of January, 1819, and is, of course, now in the thirty-fourth year of his age. He is the third son of the Honorable William Nelson, late a representative in Congress from the Eighth Congressional District of New-York—a gentleman whose earnest and successful devotion to the labo-

rious profession of law in early life, and practical wisdom as a politician and statesman, as well as his virtues as a man of principle, have won him the suffrages and respect of a large majority of his fellow-citizens, who have several times testified by popular vote their confidence in his principles, public spirit, and private worth.

As a youth, and during the earlier years of boyhood, young Nelson was the subject of those wholesome family influences which give the right direction to moral character; and to early parental precept and example may, doubtless, be traced, in a large measure, the germs of that honorable and manly ambition which now distinguishes Judge Nelson as a public man.

Mr. Nelson graduated at Williams College, in 1836, at the early age of seventeen; and although it has always been with him a matter of regret since that he entered college so young, yet he distinguished himself as a scholar, and graduated honorably as a *boy* of great promise, *for he was then but a boy*. It was, therefore, thought advisable, before entering on his clerkship as a student at law, that he should continue the scientific and literary habits he had formed in college by prosecuting his studies for some time longer in the city of New-York. He there chose his residence in the family of a French gentleman, a professor of the French language and literature, that he might have the opportunity of acquiring not only a thorough theoretic knowledge of that language, but a correct idiomatic use of it, while at the same time he attended, as an *amateur*, a regular course of lectures at the Medical College in that city, giving his attention chiefly, however, to the study of anatomy and physiology.

A love of general knowledge, and a desire for liberal and elegant culture, have always been marked characteristics of Mr. Nelson's mind, and given scope to his general reading and studies; for though a successful student and practitioner of law, and not undistinguished at the bar, he is still more remarkable as a general scholar, having a full, ready, and well-furnished mind, to which refined culture has added the grace of a polished literary and æsthetic taste.

Having completed this course of medical lectures, he entered his father's office as a student at law, where he continued until he was of age, when he was admitted to the bar of the Supreme Court of New-York; and, in due time, he was also admitted as a counselor of the same court, a solicitor and counselor of the Court of Chancery of that state, and an attorney and counselor of the Supreme Court of the United States.

After Mr. Nelson had finished his professional studies, and before entering on the practice of the law, he expressed a strong desire to visit the old world. He had in this a twofold purpose: one was to increase his general health by travel; and the other, to gain that knowledge of men and things which books cannot give. In this wish his family and friends very readily acquiesced. And Mr. Nelson accordingly spent the greater part of the year 1842 in England and Continental Europe, making himself familiar with every thing during his travels which he thought would be most useful to him, as a well-read and well-informed man.

This tour not only afforded him opportunity for personal observation

on the present condition of European society and institutions, but it gratified and strengthened that taste for classic scenes and reminiscences with which his academic and collegiate studies had early inspired him. As a scholar, however, Mr. Nelson's knowledge is by no means limited to the acquirements of a college class-room. He has made himself, in the broad sense of the word, a scholar, by a critical study of the English classics, and an extensive acquaintance with the literature of modern Europe.

Mr. Nelson's temperament and refined taste, as well as his correct moral judgments, naturally incline him to a quick and instinctive admiration of beauty, goodness and truth in character, as well as in art and literature. This was early manifested when, at the age of seventeen, he chose for the theme of the oration assigned him when he graduated, "*The character of John Jay*,"—a choice which showed that young Nelson had, from his earliest recollections, not only loved and admired in Gov. Jay the scholar, the patriot, the jurist, and the statesman, but that he also revered the *Christian* as the highest style of the man. The oration was well conceived, and delivered in an easy and graceful manner. As a whole, it would have been creditable to a graduate of maturer years, for it gave to all unmistakable evidences that he was destined, ultimately, to rank among the distinguished men of the commonwealth and the country as a man of capacity, principle, and untiring industry.

On Mr. Nelson's return from his European tour, he entered vigorously on his profession, (as a partner with his father in Westchester county,) which he pursued with great success until he was appointed Chief Justice of Oregon, in January, 1851, when he entered upon his duties as a judge of that distant territory.

Mr. Nelson has, as the lawyers call it, a good legal mind, clear and discriminating—fond of investigation, and whilst he has a dislike to what is called the drudgery of his profession, yet during his practice of the law, he invariably prepared his cases with such care and research, that he was always ready for any emergency in the progress of the trial of his causes. He was ardent and persevering, and invariably summed up his causes before a jury with ability, and not unfrequently with great force and eloquence.

At the bar of the court of his native state he discussed questions of law with a clearness and ability, manifesting a research and a knowledge of the reasons and principles of law greatly beyond his years. During the few years he has been engaged in his profession, he has earned a reputation as a skilful advocate, an eloquent speaker, and a lawyer, such as but few of his age have attained. His manners and address, as a public speaker, as well as in his private intercourse with his friends and fellow-citizens, are modest, courteous and agreeable. His social and domestic character is faultless. His truthfulness and integrity are unquestioned and unquestionable. Few men are held in higher estimation by those who know him, as a gentleman of refined manners, a ripe scholar and a lawyer of no ordinary attainments.

As the Chief Justice of Oregon, Mr. Nelson has proved himself to be all that his friends desired or expected of him, faithful to duty, capable, and of unflinching integrity. Unfortunately for Oregon, in the course of

the last year an exciting controversy sprung up among the people of that territory concerning the location of its seat of government, whether it was by law at Oregon city or Salem. This as a legal and constitutional question came before the Supreme Court of the territory for its adjudication, and a majority of that court (Judges Nelson and Strong) held and so decided that by *law* the seat of government was Oregon city. But a majority of the members of the legislature of that territory chose to regard Salem as the seat of government, and acted accordingly. This of course produced much excitement and confusion in Oregon. Whatever the merits of the question as to *where* the seat of government, as a matter of expediency, ought to be, no sensible and unprejudiced man, certainly *no good lawyer*, who had examined the question, could doubt, at the time it was presented to the court for its adjudication, that by *law* the seat of government was Oregon city. And the court being called on to decide, not from considerations of policy or expediency, but by those rules that should always govern in settling a legal and constitutional question, we cannot see how Judges Nelson and Strong, as intelligent and impartial jurists, could have decided otherwise than they did. And, indeed, such is the opinion generally expressed by the best lawyers who have looked at the subject.

LEONARD CHURCH,

PRESIDENT OF THE LEE BANK, MASSACHUSETTS.

THERE are two classes of biography: one, of men of such eminence in the political, literary or religious world as to awaken the admiration without inspiring the hopeful emulation of the reader; the other, of characters in humbler walks, whose success in life may serve to instruct and stimulate the zeal of the most obscure. Sketches of the latter sort, though less brilliant, are often more useful. The life of Normand Smith, the Hartford saddler, will carry lessons of practical wisdom and of sound Christian morality into the business and bosoms of tens of thousands of the sons of toil; while the more eventful career of a more public man may have fewer available lessons for the masses of youthful aspirants in the ordinary spheres of life. Let the models for the study of young Americans be such as they may safely and hopefully imitate, and their power will be none the less that they are not beyond their reach. The great lesson to be instilled into the youthful mind is that of *industry* and *fidelity* in whatever position in life. The faithful discharge of present duty in an humble sphere, is the surest road to promotion. An eminent man, who rose from obscurity by regarding this principle, was once reminded that in his boyhood he had blacked the boots of one who was mean enough to taunt him with his humble origin. With perfect equanimity he replied: "*Didn't I do it well?*" Here lies the clue to wealth, fame—all that is worth seeking in this life, and perhaps all that is valuable in immortal hopes. The following brief sketch will illustrate this thought:



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Engraved by J. C. Smith from a daguerotype

Leonard Church

1800-1870

THE UNIVERSITY OF CHICAGO PRESS



LEONARD CHURCH, the successful merchant, manufacturer and banker, was born in East Hartford, Conn., July 18th, 1800. He was the youngest son of Samuel Church, a paper manufacturer. His father's family, consisting of nine children, removed in 1806 to Lee, Berkshire county, Massachusetts, which was at that period the far west. He erected the first paper-mill built in the county on the spot still occupied by the widely-known firm of Owen and Hulbert. Since that time Lee has become one of the most extensive centres of this important branch of the manufacturing interest, containing twenty-one paper mills, including the largest in this country. Mr. Church, senior, was a man of great modesty, industry and uprightness, and his example contributed largely to the formation of the character of the subject of this sketch. He lived a life of usefulness and died in 1844, at peace with all men and with his Maker, at the house of his son Giles, Ogden, N. Y., aged 84 years. Mrs. Church was a woman of unusual energy of character, and in the training of her household, sought to lay broad and deep foundations in the principles of morality and religion drawn from the Holy Scriptures. She lived to witness the fruits of her maternal fidelity, and died in 1830, at the age of 71 years.

Leonard continued under the paternal roof till 1817, when he commenced his clerkship with his brother Charles, who was the first merchant in the town of Ogden, N. Y. At that period there were but two framed houses in the town, and a room in one of these served as the store. The terms of his engagement were that, besides his board, he was to receive the full sum of *fifteen dollars* for his first year's services! From his salary he must procure his clothing, furnishing a lesson of economy which was not lost in after life. Soon after his clerkship began, his brother threw the whole management of the concern upon the young lad, while he went to New-York to replenish his stock. It required an absence of four weeks, in the days of lumber wagons and corduroy roads, to accomplish the task of a couple of days in our own times. Then it took the six-horse teams some six weeks to go to Albany and back with the goods. During the absence of the brother the clerk was entrusted with the erection of a new store, to be completed in time for the new stock. At the age of seventeen, in a new place, and with the new duties of a merchant and an architect, his powers were put to the test; but with the promptness and fidelity which have characterized his subsequent life, the thing was done, and "*done well.*"

It is worth noting, by the way, that the brother with whom this clerkship was served, who commenced his business in western New-York without a dollar of personal capital, died at Rochester, in 1850, leaving an estate inventoried at more than \$200,000. He was a man of principle, energy and liberality.

Returning to Lee, in 1819, at the solicitation of his father, and with the aid of an elder brother residing at Hartford, he commenced mercantile life. His services were considered as an offset to the small capital furnished by his brother, and the profits of the concern were shared jointly. In December, at the age of nineteen, he made his first trip to New-York to purchase his stock in trade. The passage of three days was made in a sloop from Hudson. It can now be made in three

hours. He examined the market with all the care that should characterize a first independent enterprise. His money all expended and his assortment completed, he returned, compared his bills and began a successful traffic. He has often remarked that his first purchase was the best and most judicious of his life.

About one year after this beginning, he purchased a small paper-mill, which was successfully carried on in the manufacture of bank-note paper. In 1826 he bought another paper-mill. Meanwhile his mercantile business prospered. He kept but a single clerk, and for many years he had the general supervision of his mills, purchased all the stock, made all the sales, and after the business of the day was closed, posted all his books.

In 1829, he erected a large mill for fine paper, which is still run by Platner and Smith. While this was in progress a new article of ladies' gear, called the *Navarino bonnet*, came into fashion, imported at large prices from the old world. It was made of paper. With his accustomed foresight and promptness this new *placer* was worked, with more than California success. He set Robert Hoe upon the manufacture of copper plates for tasteful patterns; established a steam-mill in New-York, and commenced making Navarinos by the thousand. Finding water power most available, his establishment was transferred to Lee, and two of his paper-mills were driven on this single article, turning out two or three thousand bonnets *daily*. For a year and a half, and until the fashion changed, he accommodated the dealers in bonnets at the market price, which bore a strange proportion to the prime cost of the article. The net profits of this single enterprise form no inconsiderable part of a very considerable fortune. In 1846 he sold his interest in the last mill he erected, and closed his connection with that branch of business.

In 1844 he was chosen president of the Lee bank, of which he had been a director for ten years, and has continued in that office till the present time, with eminent skill and success. It is enough to say that under his prudent management that institution *has not lost a dollar in bad debts during the last nine years*.

Mr. Church has shrunk from political life. He was, however, returned to the state legislature for the years 1839 and '40, and accepted the appointment of justice of the peace in 1846.

He is an exemplary and influential member of the Congregational Church, and a generous friend of literary and benevolent institutions.

A few simple principles lay open the secret of his successful career. They will serve for all who are entering on a business life.

1. *Strict integrity.* Doing right is the way to do well.

2. *Diligence and fidelity* in every trust. It would have been easy to have forecasted the honorable result, when Mr. C's. character had passed the first test at Ogden. "Seest thou a man diligent in his business: he shall stand before kings; he shall not stand before mean men."

3. *Promptness and decision* in action. He has seized the golden opportunities of life as they have presented themselves; and while others have mused, he has acted. Such a thing as a protested note or a suit at law cannot be found in all his business history. Alas, that they should ever needlessly mar the fortunes and the peace of men!

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Am. Sarnoy

PRESIDENT OF THE BRANCH BANK OF KENTUCKY.

AT MAYSVILLE, KY

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Am. January

PRESIDENT OF THE BRANCH BANK OF KENTUCKY,

AT MAYSVILLE, KY

Eng. for Biographical Sketches of Famous Americans



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W. L. Garrison

4. *Strict economy.* Not parsimonious and niggardly; that makes misers of the wealthy. But by carefully ascertaining every year the gains of the year, and always bringing the expenditure within the profits, will render accumulation certain if not rapid.

A regard to such principles has enabled Mr. Church to amass all of wealth that heart can wish; and still higher principles seem likely to control the expenditure of his fortune in a way to make him a benefactor to his race.

HON. ANDREW M. JANUARY,

PRESIDENT OF THE MAYSVILLE BRANCH OF THE BANK OF KENTUCKY.

THE department of biography is crowded with the lives of men distinguished in war, politics, science, literature and the professions. All the embellishments of rhetoric and the imagination have been essayed to captivate, stimulate and direct into these "upper walks of life," as they are entitled, the youthful mind and ambition of the country. Not content to make the academies and higher educational institutions hotbeds and nurseries to germinate and train aspirations for fame, military and civic, the most brilliant achievements in the field, the forum, the hall, and at the bar, of the great men of the past and present, have been exhibited in colors warm and glowing, to charm and inspire. Example has been added to precept; the teachings of the lecture-room have been enforced by illustrations from real life, and the chaplet of glory and renown has been held up as the great and only prize.

The result of this system is manifest, and by no means fortunate. The ranks of the professions are filled and overflowing. Pettifoggers, quacks, pedants, demagogues and militia officers are manufactured by wholesale. Thousands of young men of respectable abilities, entirely capable of achieving competence and character in the useful and more unpretending employments, are annually allured into professions for which they are entirely unsuited, and in which they can never succeed. Disappointment and idleness, or charlatanry and vice, are unfortunately the too frequent results, instead of thrift, independence and respectability flowing from wiser counsels.

To instill into the minds and hearts of the young respect for great attainments, reverence for great virtues, and to excite the generous emulation, by holding up, as examples for admiration and imitation, the lives of the wise, and great, and good, is commendable and right. But the field of example should be extended, and lessons on industry, energy, usefulness, virtue, honor, the true aims of life and the true sources of happiness, should be gathered and enforced from all the various provinces of human labor however humble. Our country is eminently in need of increased intelligence in commerce, agriculture and mechanism.

Those great divisions of labor should be rendered not only lucrative and respectable, as they are but honorable and attractive to the young

in all classes of society. The lives of eminent merchants, farmers, manufacturers, mechanics—of all who by honest labor have achieved distinguished success in the different occupations, should be written and commended to the young men of the republic. The path of labor and usefulness should be indicated as the highway to honor.

In this view we have selected the subject of this sketch; a man of humble but honest parentage, born at the pioneer period in the history of Kentucky, reared in the forests, with a slight elementary education, and no accomplishment but his trade; who, by the force of high purpose and invincible resolution, industry, energy, enterprise, and a bold and vigorous mind and an honest heart, has not only achieved independence, but won a name for sagacity, public spirit, punctuality and probity amongst the foremost and most distinguished men of business in the west.

ANDREW M. JANUARY was born 3d August, 1794, in Jessamine county, Kentucky, about 12 miles from the city of Lexington. His father, Ephraim January, who was born in Pennsylvania, was the grandson of a French Huguenot. The persecution which drove the emigrant from his native land confiscated his estate, which was said to be very large. Ephraim January married Sarah McConnell, near McConnellstown, Pennsylvania, whilst they were both very young. In 1780, they emigrated to Kentucky, and passing down the Ohio River, with several other families, in small flatboats fitted up to resist the attacks of Indians, landed safely at Louisville in the spring. They took their little property to a fort called Spring Station, six miles from Louisville, and remained there six months. They then removed to the fort at Harrodsburg, Kentucky, where they lived twelve months; they afterwards went to the fort at Lexington, and remained there till the fall of 1783. Such was the unsettled condition of the country at that period, and the character of the savage warfare waged by the Indians, that a family was only safe when inside of a fortification. Andrew McConnell, the grandfather of A. M. January, and from whom he was named, was killed at the battle of the Blue Licks, which occurred in the summer of 1782. Although that battle resulted disastrously, additional forces pressed upon the Indians and drove them out of Kentucky, and an increase of emigration in the course of a year so checked the incursions of the Indians, that families were justified in making locations of their own in the neighborhood of Lexington and some other parts of the territory. Ephraim January accordingly obtained a pre-emption right to 1000 acres of land in the county of Jessamine, built a small log cabin on it in the midst of the forest, and moved his family, consisting of his wife and two young children, into it in 1783. His nearest neighbor was six miles distant. There he raised a family of eleven children—five sons and six daughters—and there the father and the mother lived and died—he, in 1823, in the 64th year of his age; she, in 1850, in her 87th year. They were both persons of ardent piety, belonging to the Associate Reformed, a branch of the Presbyterian Church, and gave great care to the religious training of their children. The family was large, and the father unable to provide capital to set up his sons in business. They all remained at home and worked on the farm until they were 17 or 18 years old. Each was then suffered to select some mechanical branch of business.

In 1812, Andrew became an apprentice to the silver-plating business in Lexington, Ky., and served in that capacity three years and a-half. Being a high-spirited boy, and feeling that his father was unable to furnish him with any other than the plainest clothing, he applied himself assiduously to the business and interests of his employer, and soon gained his confidence and good-will. He was allowed to do *over-work*, for which he received full price, and often worked as late as 12 o'clock at night. He was soon enabled to make one dollar per day for over-work, and thus to present a reputable appearance in society during his apprenticeship. He found his early religious training of great service to him at this period. He was beset by temptations from many quarters, but steadily resisted them. He had promised his mother, on leaving home, that he would avoid all evil company and the vices of the town, and he did so. Young and inexperienced as he was, possessing only the common English education of that day, obtained mostly in the winter season, and during rainy days, when work could not be done on the farm, he nevertheless determined to overcome all obstacles he might encounter, fix his mark high, and force his way upward to fortune and honor.

In the spring of 1816, he commenced business on his own account, in Lexington, and in the ensuing winter married Sarah Huston, daughter of William Huston, an old and highly esteemed resident of that place. He continued business there until the spring of 1818. It had promised well at first, but the country, shortly after peace was declared between the United States and Great Britain, became flooded with goods and manufactured articles. The silver-plating business suffered with others to such an extent that ware could be bought in the stores for less money, in many instances, than the cost at home of the rough material.

Mr. January soon found that the time spent in qualifying himself for his business, had been to a great extent lost; to pursue it was useless; and with that promptness and decision which have ever marked his career, he determined to abandon it. Maysville, a town in northern Kentucky, on the Ohio river, was then as it has been since, the great point of shipment and distribution of the productions and merchandise of that portion of the state. In the summer of 1818, he removed to that place and opened a small grocery; and in October of that year he purchased an interest in a commission house conducted by his uncle. In the spring of 1819, he bought the entire interest of the concern, and his uncle retired from the house. This was a bold step, as he had but slight experience and very limited means. He purchased on stipulated payments of one, two and three years. Few persons under such circumstances would have undertaken such a responsibility; but he had rare industry, energy and resolution, and a self-sustaining confidence in his own abilities. Every payment, as it fell due, was promptly met. He soon found that, by close application to the interests of his customers, his business was increasing from year to year. After paying for his establishment, he had in a short period accumulated quite a handsome sum, and was in a full tide of prosperity, when the whole was suddenly swept from him by the instrumentality of an individual in whom he had unfortunately confided, and he found himself involved to the amount of \$3,000. This heavy reverse did not dishearten him;

he met it courageously, and determined to retrieve his losses. He continued his business, retained his customers, sustained his credit, and in one year realized enough to pay off all demands. His business continued to improve and enlarge under his close application and judicious management.

Maysville, at that time, contained a population of only 1,200 or 1,500 inhabitants; but few of the streets were paved, there was no paved road to the river, and the landing was bad. All the roads to the interior were rough; poor even in the summer, almost impassable in the winter and spring. He therefore turned his attention to the subject of internal improvements, and in a few years, with the assistance of other enterprising citizens, he succeeded in having all the streets paved, and good roads made to the river. In 1828, when there were not twenty miles of turnpike road in the state, a charter was procured from the legislature for a turnpike road from Maysville to Washington, a town four miles from the river in the direction of Lexington. The stock was soon subscribed, and the road put under contract. In the summer of that year, being sanguine that the road could be extended a distance of sixty miles to Lexington, he mounted his horse, and in company with an engineer, explored the intervening country, and raised a subscription along the line to pay the expenses of a survey. When at Lexington, he issued a card for a public meeting, had a conference with Hon. Henry Clay, enlisted him in the enterprise, and induced him to address the meeting in its behalf. The meeting was successful; public attention was excited, and means to defray the expenses of the necessary surveys secured. The next winter a charter was obtained extending the road from Washington to Lexington. As this road subsequently became famous in national politics, a short history of the efforts and means by which it was completed will be pardoned.

At that time but few persons in Kentucky had ever seen a turnpike, still fewer appreciated the benefits such an improvement could confer. Very few believed such a work practicable; the cost was considered beyond the resources of the country. The state, up to that time, had contributed nothing to the cause of internal improvements. It was an enterprise of great boldness, and required great energy, perseverance and firmness. Upon the petition of the company to the legislature, a law was passed authorizing a subscription of \$25,000 on behalf of the state so soon as \$50,000 should be subscribed by individuals. By great exertions on the part of the directors of the road, of which Mr. January was one, the requisite amount of \$50,000 was obtained from individuals, and the sum of \$75,000 thus secured. The road was immediately put under contract to the extent of that sum; and at a succeeding session, the legislature was induced to subscribe \$50,000 more upon the condition that individuals should raise an additional \$75,000. This was done in a few months by extraordinary efforts, and the \$125,000 secured. It required \$200,000 more to complete the road; and as it would be used by the United States government for the transportation of the great eastern and western mails, the directory determined to petition Congress for aid to the amount of \$150,000. The petition was favorably received, and a bill was passed appropriating that sum. The country recollects the fate of that measure. President Jackson struck

it down with his veto, and left the enterprising company to their own resources. They resolved to carry the work forward. The directory negotiated loans upon their individual responsibility, and issued the scrip of the company to the amount of \$70,000. The whole road was put under contract, and the legislature appealed to for further aid. It was granted by a subscription of stock equal to that of individuals; and in four years the road was completed at a cost of \$426,000, being the first good McAdamized road in the United States, and the pioneer work of internal improvement in the State of Kentucky. This important enterprise, commenced and completed mainly by the public spirit and perseverance of four or five citizens of Maysville, including A. M. January, gave a powerful impetus to the whole system of internal improvements in the state; and is still the best work of the kind probably in the United States. That road completed, Mr. January engaged heartily in the construction of two or three other turnpike roads leading into the interior, and at the same time conducted with great and increasing success an extensive commission business. His habits of business were then, and still are, of the most systematic and laborious character. He neglects nothing; he attends punctually to everything. His correspondence has always been conducted chiefly by himself, and has been so heavy and extensive, as for many months during the year to occupy his time until twelve and one o'clock at night. Situated at a way-port between Pittsburgh and Cincinnati, where boats stopped at all hours of the night to deliver and receive freight, his life was for many years one of great hardship, trial and exposure. His whole life has been spent in constant activity, and faithful and energetic attention to business. He has been successful, and has deserved success. He is now fifty-eight years of age, and although his constitution has been much broken by exposure and overwork, he is still a man of great labor and unrelaxing energy.

Upon the location of a branch of the Bank of Kentucky at Maysville, in 1835, he was appointed its president, which post he fills at the present time. He is also president of the Maysville and Lexington Turnpike Road Company, having been connected with that road from its commencement in 1828. He is also a member of the board of directors of the Maysville and Lexington Rail-road Company; and no enterprise of a public nature has ever been undertaken in Maysville for the last thirty-four years, in which he has not taken a prominent and zealous part. And yet he has never sought any office, declining many indeed that have been offered. He throws his whole energies into whatever he undertakes, and success is almost certain to attend his efforts. His motto through life has been—"Whatever is worth doing, should be well done."

Mr. January, many years since, attached himself, along with his wife, to the Presbyterian church. His walk and conversation as a Christian have been uniformly consistent and exemplary. His benefactions to the church have been constant and liberal—for the support of his own particular church, for the erection of churches, and the support of the gospel at home and abroad. His purse is ever generously open to every object of real benevolence or charity.

In his intercourse with his fellow-citizens of all classes, Mr. January

is frank and direct, but kind and courteous. Perfectly simple and unostentatious in all his habits; unbounded in his hospitality; warm, confiding and firm in his friendship; sagacious and independent in thought; prompt, practical and vigorous in action; punctual in all his engagements; modest and unassuming, yet courageous and dignified, he bears about him every mark of the gentleman and the man of business; and presents as fair a model as can be found for the encouragement and imitation of the youth of the West who have friends, fame and fortune yet to win.

COLONEL DANIEL S. PRINTUP,

OF ROME, GEORGIA,

Was born January 22d, 1823, in Montgomery county, New-York. His father was of English descent; his mother's parents emigrated from Holland. Colonel Printup's early education was very limited, but, like many men who have risen to eminence in the legal profession in this country, this defect in his education only served to call forth the energies of his mind. A common school in his native county furnished him with the elements of an education, and at the early age of *fourteen* he left the paternal roof, and, with a sorrowful heart, turned his face to the cold, calculating world. For the space of two years he engaged in various pursuits, which not only afforded him a subsistence, but enabled him to devote three months of his time to study, which short period was spent at a select school in the village of Fultonville, New-York. Much benefited by the knowledge he obtained, gladly would he have prolonged his stay, but the want of means prevented him at this time. He left this school with the intention of going to New-York, which he soon reached, and soon procured a situation as clerk in a mercantile house. Not relishing this sort of life, he determined to relinquish it; and, accordingly, in the month of September, 1839, he sailed for the "sunny south," and arrived in Georgia. Here, contrary to his inclination, he was induced to accept of a situation similar to that he had so lately and so heartily relinquished, yet still looking forward to a brighter day, when he might be enabled to complete his education. While here, he saved his salary with such scrupulous care that, at the end of two years, he had a sufficient sum to warrant him in pursuing his studies. Accordingly, February, 1842, he entered an academy in Paulding county, Georgia. The principal of this institution was a sound scholar and excellent teacher. He soon perceived that his pupil was a youth of more than ordinary capacity, with an ardent thirst for knowledge, consequently he afforded him every facility in his power. The student applied all his energies, and with such unparalleled success, that in the short period of *nine* months he was, in the opinion of his preceptor, sufficiently prepared for admission to college. The legal profession he had always liked, and at this time made up his mind to qualify himself for the bar, if possible, his limited means appearing the only barrier; he however received such assurances of assistance from his



in Montgomery county, N. Y. His father's parents emigrated from Scotland. His education was very limited. He was in the legal profession, but only served to qualify himself in his native county. He was at the early age of four years of age his father's heart turned his way. In the space of two years he acquired the English language. He received him a subsistence, and he had time to study, which he did in the village of Paltonville. He acquired the knowledge he obtained, glad to find that the want of means prevented him from going to the college with the intention of going to study. He soon procured a situation as a clerk in a law office. After spending this sort of life he determined to go to college in the month of September, 1840. He was sent to the college in Georgia. Here he was in the college for a season similar to that which he had experienced at home and so he heartily relinquished the idea of looking for a better education. When he returned home he found that his salary with such a scanty education was not sufficient to maintain him. He was in February, 1842, he returned to the college. The principal of the college was a man of great ability. He soon discovered that he was a

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MR. DANIEL S. PRINCE.

OF ROME, GEORGIA

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brother, Joseph J. Printup, as to induce him to make the necessary arrangements for entering college. This he accomplished; and in the month of April, 1843, entered in advance Union College, Schenectady, New-York, furnished by his excellent teacher, Benjamin T. Mosley, Esq., with a letter of recommendation to the president of that institution—a part of which letter we here transcribe. Mr. Mosley says: "I take pleasure in recommending to your friendly regards a young gentleman, who possesses talents of a high order, to the cultivation of which (though neglected in early youth) he is most ardently devoted. He comes to seek from your institution that preparation which will best qualify him for the profession of law." During his collegiate course he sedulously husbanded every hour, (after preparing his recitations and attending his classes,) and devoted himself to his legal studies. His college-life was emphatically one of labor, but the youth was now the man, and throughout the three years of college-course he ranked among the first in his class. An incident occurred at the commencement of the second term of the "senior year," which serves to show the position he occupied in the esteem of his class-mates. This was his election to the office of class-marshal by his fellow-students, notwithstanding he was opposed by a young gentleman, the son of one of the first men in the United States. Subsequently he was also elected a member of the Phi Beta Kappa Society, and we would state that this honor is only conferred on persons of the highest standing for scholarship. Having graduated in 1846, he returned to Georgia, and was admitted to the bar of that state in April of the following year; his practice soon became respectable, and at the present time it is quite lucrative. Connected with his legal practice, he has held for years the office of agent for the principal bank of the State of South Carolina. His present residence is Rome, Georgia.

Col. Printup in stature is at least six feet, and of rather slender form for one so high; his appearance is that of a great student; he is thoughtful and grave, but very pleasant in conversation. We predict for him, if he lives, a bright career and an unenviable fame; and as a lawyer and high-toned gentleman, he richly deserves it.

ROBERT H. GOODWYN,

PRESIDENT OF THE BANK OF THE STATE OF SOUTH CAROLINA.

A tumbling torrent rushing down a mountain's side, rumbling and roaring as its waters dash from obstacle to obstacle along its rocky bed, sending the glittering spray-drops in showers over the looker-on, is a more attractive object to the tourist, retains a place in his memory longer, usurps a page in his note-book broader, than does the noble, deep and gently gliding river that bears upon its broad, bright bosom, the wealth of a nation. The traveler journeys toilsome miles to scale with weary feet the jagged heights of rugged volcanoes, whose gloomy, cavernous mouths open but to belch forth death and destruction. The fearful summit reached, awe-stricken he stands; and feeling himself re-

paid by gazing upon the dreariness around, overpowered by the novelty of the scene, he utterly forgets the many lovely, luxuriant valleys, radiant with tropic fruits and flowers, the dwelling-places of breathing plenty, he passed to reach that grand but gloomy and desolate goal.

As in nature we find it is not the most truly useful nor the most intrinsically charming and beautiful objects that attract the greatest amount of attention, but nearly always those whose picturesque attributes, or romantic or wonderful associations best please the eye or furnish most food for the imagination—irrespective of any more solid claims—so do we also find the same false standard governing men's estimate of each other, and graduating—how wrongfully and unfairly we daily see—the place that each shall occupy in the temple of renown.

The Almighty Creator, in his supreme wisdom, has so ordered the disposition of affairs in this world, that, perforce, the grand and leading features of his noble design must be carried out. The end to be attained is fixed; but the means by which that end shall be accomplished, are, to a certain extent, left to the volition of the actors.

In the olden time, when man was almost an animal, when society was in a state of barbarism, when the softly-beaming light of cheering Christianity was as yet obscured, and the moral world was groping in darkness—in those dark days, when the hand of power was really the hand that was strongest—in those heathen times, when might was right, and when the keen arrow and the bright spear were necessary to retain what the sharp sword had won in those bloody eras, the fame of the warrior was justly entitled to the applause of the multitude, was the only renown coveted by the ambitious, was the only greatness that could be appreciated by the people. The soldier then was an instrument in Deity's hand working unwittingly for a purpose. Mind then was not sufficiently developed, had not been cultivated enough to receive lasting impressions, save through the medium of its elder brother, the body. Force then was necessary to restrain the baser belongings of the full-grown passions, that the moral qualities might have time to strengthen. Now, however, the diviner essence is steadily and surely claiming its birthright, assuming the mastery; and though each body is not altogether controlled by the promptings of its own mind, yet even now mind does rule the world; and the voice of public opinion is found to be more powerful than a vast army with all the paraphernalia of war.

As one general directs the operations of a campaign, so do the bright thoughts of a single mind control the actions of hundreds of its fellows; and, therefore, the success of the business of life necessitates a much larger proportion of prompt and vigorous actors than it requires of deep and careful thinkers. For this reason it is that even now, in our age so comparatively enlightened, we see deeds of merely physical daring—actions almost the result of accident—men distinguished by scarce aught save unblushing effrontery—receive an amount of adulation, acquire a degree of reputation, complimented by a fulness of public confidence, that sober reason assures us they are by no means justly entitled to.

No desire have we to detract a line's breadth from the fair fame or deserved name of any man or class of men, for we know that reckless

courage is possessed by many who are blessed by moral bravery also in an eminent degree. We are sure that the boldest warrior can also be a gentle Christian, and we believe that a politician may be a patriot; but just in proportion as these nobler traits are found in conjunction with the more common attributes, in the same ratio are their possessors entitled to increased honors. Whilst, therefore, we would have a proper meed awarded to all the meritorious, we only hope the day will some time come when the actions and sentiments of none but the truly worthy will be held up as beacons for the guidance of their own and succeeding generations.

One bright and glorious feature of the present era, of the nineteenth century, wherein it stands out in bold relief, far in advance of any former period, and which, more than aught else, proves the moral and intellectual advancement of mankind, is the fact, that now, more than ever before, is ready, cheerful and cordial approbation accorded to those real benefactors of their race, those noble-minded, true men, who, seeking not popular favor, striving not after political power, craving not personal aggrandizement, yet disinterestedly devote the labor of their great minds, and the force of their pure intellects, to the amelioration of the condition of their brethren, and the advancement of the happiness, social and moral, of their fellow-countrymen. No easy task is theirs—no faint heart or coward will is competent to the fulfilment of their mission; laboriously they toil, strenuously they strive, courageously they battle, undismayed they suffer, for the sake of principles, which they know must result in benefactions to those very maligners who hesitate not to heap contumely upon their heads and slanders upon their names. Dauntless, however, upheld by inward strength, still onward do these gallant ones press, until at last, triumphing by their virtue's might, the world hails them conquerors, society strives to do them honor, and their country ranks them as its chiefest ornament.

Deserving of a foremost place in the ranks of this glorious band, intitled to a prominent position amid this noble brotherhood, is the subject of this brief sketch; for though we are aware that his merits, great as they are, are exceeded by his modesty, yet we are confident that his benevolence will induce him to pardon us for giving voice to the feelings of his friends and the opinions of the public regarding his worth, rather than to his own too low estimate of his abilities.

For no single dazzling achievement—for no one act of brilliant recklessness, flashing, meteor-like, red, lurid, and startling, across the pathway of his life's sky, making an impression vivid and memorable only in proportion to the sombre sameness that preceded and followed the evanescent brightness, is Robert H. Goodwyn distinguished. These are the accidental and extrinsic circumstances that have given a place on history's page to too many men of but ordinary abilities, of but doubtful moral worth. But by the intrinsic and heaven-bestowed qualities of bright intellectual capacity, of strict integrity, of pure morality, of correct judgment, of wide-reaching benevolence, of disinterestedness, and of ample courage to do and to dare, morally or physically, what conscience dictates—by these, the attributes that govern circumstances and control events—by these, the only characteristics that can command permanent respect, ensure lasting regard, and challenge universal

admiration, is Robert H. Goodwyn distinguished in a remarkable degree. A soldier, a physician, a statesman, a banker, and a financier, has he been; and in each capacity has he so truly played his part, so excelled in every situation, that, for the time he occupied it, each seemed his only proper sphere. This is the most severe as well as the most correct test of human ability; for the inward power to be thoroughly great in one capacity enables its possessor to be distinguished in aught to which his mind is directed—energy, intellectuality and honesty being alike, under all circumstances, the real basis of true greatness. But few there are to whom this test can be satisfactorily applied.

The many noble examples to the contrary furnished by the lives and actions of citizens of our country, from the earliest days of the republic down to the present time, have conclusively shown that distinguished ancestry is not essentially necessary to the creation and development of eminent and patriotic men. Whilst, however, the lack of attainments by his progenitors detracts nothing from the fame of him who has achieved a place and a name upon the record of his age, yet we cannot avoid feeling that an additional charm is lent to the character of one esteemed for his own worth, when we know that his father and his grandfather before him were possessed of the same excellent qualities for which their son and grandson is now admired and beloved. This good fortune of having parent and grand-parent, both paternal and maternal, whose deeds he could emulate, and whose example he could imitate with equal pride and pleasure, has been inherited by Colonel Goodwyn; and a rich and a glorious heritage will *his* children enjoy in receiving as an heir-loom the character of such a father as theirs—a diamond link connecting them with the golden chain of the past.

CAPTAIN ROBERT GOODWYN, the paternal grandfather of Robert H., was a native of Virginia, but emigrated from the Old Dominion to South Carolina, when very young. Here he settled a large plantation, and, during a long life of usefulness, won troops of friends by his kindness and hospitality, and crowds of admirers by his patriotism and devotion to the interests of his country and adopted state. His wife was Miss Sarah Taylor, a daughter of Captain James Taylor, and a niece of Colonel Thomas Taylor—both of which gentlemen were daring and efficient officers during the darkest days of our Revolutionary struggle. Colonel Thomas Taylor, particularly, was a most active partisan, and deserves a more conspicuous place than is allotted him in the history of those trying times. He served with Marion, and with Sumpter—was always foremost in the actions against the tories, evincing on all occasions the most daring bravery and the coolest judgment; and also commanded a regiment at the siege of Charleston. In this regiment of Colonel Taylor's, Captain Robert Goodwyn commanded a company, and, after having done himself great credit by his conduct at the bombardment of Fort Moultrie, was made a prisoner of war by the British upon the surrender of the city of Charleston.

John Goodwyn, Esq., the father of Robert H., was a native and prominent citizen of Richland District; a gentleman of finished education, high moral worth and great benevolence, and blessed, too, with pecuniary means sufficient to enable him to give his feelings scope, he was ever actively engaged in promoting measures that had for their object

the advancement of his state and district, or the benefit of his fellow-citizens. Possessing the fullest confidence of the community, he was several times elected to represent their interests in the state legislature. Although but a lad when the scathing fires of partisan warfare were desolating our land, yet John Goodwyn proved that he inherited, in a full degree, the brave and patriotic spirit that has ever distinguished his family, by achieving a deed of daring, &c., when but a boy of fourteen years. This was no less a feat than shooting dead the notorious tory, Stallings—a man of gigantic stature and a terror to the neighborhood—who came within the reach of the youthful patriot's rifle, when John was serving with a volunteer company of whigs, whom he had run away from school to join. Mr. John Goodwyn died about 1809, leaving ten children, of whom the subject of this sketch is the eldest son now living.

Robert H. Goodwyn was born in Richland District, July, 1795. After a thorough preparatory course, he entered the South Carolina College—an institution that has given to the Union an unusually large number of distinguished men—and here, such was his industry and so great were his acquirements, that he graduated with honor when but in his seventeenth year. This was in the latter part of 1812, when the last war with Great Britain was in progress, and our youthful graduate, having a strong natural predilection for a military life, and burning with a desire to lend what aid he might to the cause of his country, eagerly sought admission into the United States army. His application was rewarded by a commission as ensign in the 10th regiment of infantry. Immediately upon the receipt of his appointment he hastened to join his corps, which was then serving under General Izard, on the northern frontier. Here his talents, as an officer, were so apparent, that, very shortly after his junction with his regiment, its commander, the gallant Colonel Clinch, appointed the newly-made ensign to the responsible office of adjutant—a high and flattering compliment for so young a man and so recently commissioned an officer, but one that was fully deserved by the recipient—and in this capacity he served until peace was declared in 1815.

After the cessation of hostilities, many of the regiments were disbanded and the others re-organized, and young Goodwyn was attached to the seventh regiment of foot. At this time, what is now the wealthy State of Georgia—dotted with handsome cities and flourishing villages, intersected by rail-roads, and covered with valuable plantations groaning under luxurious crops—was then nothing but a vast wilderness sparsely inhabited; its woods, swamps and savannas, infested by bands of savage Creek and Seminole Indians, whose unruly and predatory habits caused the white citizens no small amount of uneasiness and anxiety. To keep these lawless inhabitants within due bounds and to repress their outrages, the seventh regiment was stationed in their country. Here, for eighteen months, did young Goodwyn remain with his regiment; and, though opportunities for winning distinction there were none, yet trials, privations and dangers, were plenty. The greatest peril, however, which officers in such situations—where the living is hard, the duty disagreeable and female society out of the question—are threatened with, arises from the natural craving for excitement that

is implanted in an ardent breast; and the sparkling wine-cup and alluring gaming-table, are too often resorted to by the mature in years as well as by the youthful soldier, to their own ultimate undoing. But, even here, where the temptation was so great, young Goodwyn maintained intact that moral integrity which has ever characterized him—and succeeded in preserving those habits of strict temperance which enabled him in after years, and in an arduous campaign, to bear unhurt privations that wore out younger men.

The friends of Goodwyn, seeing that an opportunity of his gaining eminence, as a military man, had passed with the termination of the war, and appreciating his character too justly to rest satisfied that he should be wasting his time in the routine of camp-life, so earnestly besought him to relinquish the army, that, although his own strong passion for the service would have induced him to remain, in hopes of better days, he yielded to their solicitations and resigned his commission in 1817; being then in his twenty-second year.

Debarred by circumstances from following his first choice of a profession, as soon as he returned home from the army, young Goodwyn commenced the study of medicine, and entered the office of that highly-esteemed and well-known physician, Dr. Edward Fisher, of Columbia: Devoting himself with constitutional ardor to the acquirement of the vast array of facts that are necessary to be mastered by the honest student of the sublime science of medicine, he was, in a brief while, prepared to attend with profit the lectures of the schools. The Medical College of New-York—under such men as Hosack—then enjoyed the reputation of being the best medical school in the Union; and, after attending two courses of its lectures, from this institution, young Goodwyn obtained his diploma.

A profession obtained, a permanent location and settlement preparatory to the actualities of life was next to be thought of. Shortly after the possession of his doctorate, therefore, he sought in marriage and obtained the hand of Miss Charlotte Ann Thompson, of St. Matthew's Parish, the amiable and lovely grand-daughter of the chivalrous Colonel William Thompson, who so bravely commanded the land forces at the siege of Charleston.

Settling in St. Matthew's Parish, Doctor Goodwyn's time was most thoroughly employed, and he found full scope for his natural industry in the management of his large and valuable plantation, superadded to the laborious duties consequent upon an extensive medical practice in the country. Here, for ten years, did he continue—bestowing those benefits upon the community in which he resided which no man has it in his power to bestow with such a liberal hand, as has the skilful and conscientious physician; and, at the same time, setting an excellent example to his neighbors by the judicious manner in which he conducted the business of his plantation.

The requirements of his other interests demanding more of his attention than was compatible with his professional engagements, in 1828, after ten years' faithful service as a physician, he relinquished the practice of medicine. This was the year in which the nullification question first began to be seriously advocated by the people of South Carolina; and Dr. Goodwyn, not pausing to count the chances, nor disposed to

wait and discover which would prove the popular side; but, governed then, as he has ever been, by his own conscientious belief, at once, with heart and soul, threw himself into the ranks of the state-rights' party. The entire community having implicit reliance in Doctor Goodwyn's integrity of purpose, and entertaining great respect for his ability and judgment, his influence and example wonderfully strengthened the nullification interest in his section of the state, and by that party he was elected as the most fearless and able exponent they could find for the expression of their opinions and the maintenance of their views in the legislature. Dr. Goodwyn was, therefore, an active and influential member of the legislature which called the convention for the purpose of nullifying the acts of the general government. He also, at this time, was complimented by being elected colonel of a regiment of riflemen, raised in Orangeburg district, to act in defence of the state.

Having served two terms as a representative with great honor to himself, and having vastly contributed to the advancement of the views of his constituents, Dr. Goodwyn was, immediately after his retirement from the House, elected senator from St. Matthew's Parish. This was in 1834. The Seminole war in Florida broke out in the following year, and the then Governor of South Carolina, the lamented and distinguished George McDuffie, gave the most unequivocal evidence of his own, as well as the best testimony of the public's high opinion of Dr. Goodwyn's talents, ability, and patriotism, by appointing him colonel of the magnificent regiment of mounted riflemen furnished by the Palmetto state for service in the Florida campaign. True to his country's cause, prompt to obey her summons, and ready to devote his services to his state in whatever capacity he could best subserve her interests, Dr. Goodwyn at once accepted the tendered command, and, resigning for a season the senatorial toga, he entered with all his characteristic enthusiasm upon the laborious duties of the soldier.

The regiment of which Colonel Goodwyn was commander, was composed of the pride and flower of Carolina's chivalry; and, thanks to their gallant leader's thorough knowledge, his untiring zeal, and his unremitting attention to his own duties and their necessities, it was, in a very brief time, one of the handsomest and most effective regiments in the service. We heard one who had the pleasure of seeing them say, "that Goodwyn's regiment, nine hundred strong, as it performed its evolutions with the precision of the 'old guard,' and with the rapidity and fire that none but freemen can exhibit, was one of the most beautiful and captivating sights he ever witnessed."

The privations, the sickness and suffering endured by the army during that tedious Indian war; the hardships of all kinds they were compelled to encounter from hunger and exposure, from lack of sufficient camp equipment, and from the ravages of the climate, in addition to the ordinary and usual troubles consequent upon a life of active service in an enemy's country, are historical facts with which every one is familiar. Of all these ills, and their name was truly legion, the regiment of mounted riflemen received their full share. But one advantage did these noble fellows enjoy over their brave companions in the army: in their colonel they found not only an able and efficient officer, a worthy head, competent ever to direct, and willing always to lead them in the line of duty,

but in him they also found a kind and considerate friend, a gentle companion in their hours of sickness, a faithful protector and a prudent adviser in their dark and dreary days; for, true to his stern republican principles, then, as ever, acting as he spoke, practising what he preached, Colonel Goodwyn only made use of the advantages conferred upon him by his rank for the benefit of his men. Stinting himself with Spartan self-denial to contribute to the wants of the sick and weak ones of his command, he fared as did the poorest of his soldiers, sharing with them every toil, suffering every privation, bearing uncomplainingly every discomfort, and only differing from his men by the greater amount of labor, anxiety, and responsibility, that fell to his lot in consequence of his rank.

The war in Florida, where the foe were skulking savages, dodging from swamp to swamp, firing upon their adversaries from skilfully-planned ambuscades, or harrassing their flanks in the gloomy night-hours, was not one calculated to afford the ambitious soldier many chances for brilliant display. But on one occasion Colonel Goodwyn had an opportunity of showing the quality of the metal he was made of, and right clearly and truly did it ring; proving that, if his heart was kind, and ever ready to throb at pity's call, his courage was as bright and polished, as firm and durable, as the tempered steel of his sword. It was a picture for the pencil of an artist. The dusky twilight of a summer's evening was beginning to envelop in a murky mantle the face of nature. The nine hundred mounted men, defiling with lagging tread, wearied by a summer's-day march, were slowly winding their long drawn-out line along a narrow wood-path, scarce wide enough to permit two horsemen abreast. In their front a high knoll arose: its sides and summit, save for a space some sixty yards in diameter, studded with high-reaching, wide-branching, huge old forest trees. Here, in the clearing on the hill-top, out in bold relief, out in the bright light beyond the shadows, Colonel Goodwyn turned his horse and paused to view his advancing men. But scarcely had he turned, when, from every tree, trunk and bunch of bushes, before, behind, on either side, flashed the glare of discharged rifles, and thick and fast around him flew the deadly leaden hail dispatched by an Indian volley. By providential interposition, the rush of hurtling missiles passed him harmless by; and, undisturbed, undismayed, undaunted, there, exposed to volley after volley from the savage fire, did Colonel Goodwyn remain for at least the space of ten minutes, as coolly and collectedly as if he had been upon review. At last, his men coming up, he charged upon the cowardly foe and scattered them.

So charmed was General Eustis with Colonel Goodwyn's admirable conduct under such a galling fire, that he solicited him to make a report of the engagement to General Scott, then commander-in-chief; but Goodwyn's modesty prevented him from reporting an action in which he had borne such a conspicuous part, and he was deaf to Eustis' entreaties, mentioning the matter, in his official despatch, merely as a slight skirmish.

After returning from the Florida campaign, Colonel Goodwyn again entered the Senate, and was at once appointed chairman of the committee on military affairs. At that time that committee was the most

important one in that body, as it was occupied in revising and re-organizing the entire military system of South Carolina. The clear intellect, the practical knowledge, and the far-seeing wisdom brought to this task by Colonel Goodwyn, are clearly exemplified by the result of the labors of this committee, of which he was at once chairman and chief director; for, to their suggestions and recommendations is our beloved state indebted for the perfect system of military organization which now distinguishes her above any of her sister sovereignties."

In 1837, the development of his family necessitated the removal of Colonel Goodwyn to Columbia, for the purpose of availing himself of the greater facilities there afforded for the thorough education of his children, of whom he is blessed with eight.

No sooner was he located at the capital, than his fellow-citizens became desirous of again availing themselves of his tried ability and known judgment and integrity; and he was appointed by the legislature to fill the responsible and arduous post of president of the Branch Bank of the State of South Carolina. This position he has ever since filled, and still holds, with equal honor to himself, profit to the state, and to the pleasure of every citizen of the commonwealth who has dealings with the institution over which he presides. To show fully how many attributes are requisite for the possessor of the position Colonel Goodwyn now occupies—to make clearly manifest the amount of judgment, of kindness, and of virtue, that one in his situation must be master of, to enable him to do his duty to his fellow-citizens, his state and himself—we will here make a short diversion, and take a brief glance at the THE BANK OF THE STATE OF SOUTH CAROLINA.

Money, in one sense, as far as the dictionary defines its uses, is but a circulating medium. But money, in point of fact, is really and truly now the visible type of everything that man in his unregenerated condition craves. In itself, intrinsically, money, like iron, is but an impassive and inanimate metal, insufficient for any single necessity of life; but occupying the position a high state of civilization has formed for it, it is the representative of time, of power, of comfort, of independence, of luxury; indeed, so many desirable requisites are at its command, that its name is almost universally recognized by the bulk of our race as a synonym for that undiscovered something which every mortal hopes for under the title of happiness.

Wherever, therefore, a large quantity of the precious commodity is accumulated, there, necessarily, will a great share of public attention be directed; and those persons who have the control of this so keenly sought-after end and aim of human effort and ingenuity, will ever find themselves subject to a more than usual amount of suspicion, slander, and misrepresentation. Let the motives that actuate them be as pure and as holy as those that inspire the mother who risks her own life to save her child's; let their actions be as open as the boundless sky; let their private characters be as spotless as an infant's, yet all will not suffice; and they must be patient whilst they hear the purity of their intentions doubted, the honesty of their deeds questioned, and the integrity of their principles canvassed. Just in proportion, too, as they exert the power confided to them for the benefit of their fellows—in an exact ratio to the amount of good they effect, in inverse measure to

the degree of happiness they confer, and to the misery and suffering they avert—will they always and invariably find themselves be-rated, slurred, and stigmatized. At the first glance this appears unnatural, unfair, and incredible; but facts, every day transpiring, demonstrate its truth, whilst only slight observation is necessary to discover its cause.

The passion of avarice is a moral simoon, that blights and shrivels every finer feeling of the human heart before its deadly breath; every tender sentiment vanishes, every gentle emotion departs, every throb of pity flies, every sprig of generosity dies, every bud of charity withers and wilts—leaving to the unhappy object over whom it sweeps, nothing but an insane greed for gain, that will be gratified, regardless of all principle or moral law. These monomaniacs—we will not call them despicable, for they are not sane—who so miserably mistake the means for the end, and so brutishly devote their energies and prostitute their abilities for the purpose of heaping dollars upon dollars—merely to leave when death calls the gatherer away—find their greatest harvests in seasons of public calamity, or in cases of private necessity or individual misfortune. Whoever, then, interposes between this soulless class and what they consider their legitimate prey, must expect—as they will assuredly feel—the full weight of their unscrupulous wrath. This is the source—the envenomed tongues of disappointed usurers—from whence arise the first inuendoes, the half-uttered suspicions, the muttered misgivings, that, fanned by their originators, cherished by their care and propagated through their influence, gradually accumulate force and volume, and eventuate in public slanders against those men to whom the people really are under countless obligations. For, having the power, the honest and conscientious controllers of money, governed by high and patriotic notions, always avert public calamities, remedy private misfortunes and soothe personal sufferings—and others prevent these traffickers in blood and tears, these dealers in human woe, from having a plethora of victims, and render it impossible for them to realize vast profits from the miseries of their fellows.

Standing, as it does, a strong, embattled and impregnable rampart between the people and the money-dealers—an ark of safety, open always to the meritorious necessitous, affording them a perfect shelter against the grinding exactions of the Shylocks of the land—it is most natural that the Bank of the State of South Carolina should have been slandered, and abused, and misrepresented, as it has been for years past. But it is now also time that these slanders should cease, and that the intelligence of the people of a gallant state should be no longer outraged by the propagation of falsities, coined by the heartless misers and circulated by designing demagogues, for the sole purpose of advancing their own base and selfish ends, particularly when these groveling aims can only be accomplished at the expense of high-minded and noble-spirited gentlemen, and by the prejudice and embarrassment of a glorious institution, which has contributed so eminently to the honor and reputation of the state, so generally to the welfare of its citizens, and so undeniably to the security of the entire commonwealth.

Created by the power of the people, through their delegates, the legislature; its capital furnished by the state, and the credit of South Caro-

lina, in its sovereign capacity, pledged for the redemption of its liabilities and the fulfilment of its promises, under the constant supervision of the public representatives, its officers are appointed by the state, and having no object separate from the welfare of the institution, it is simply absurd to imagine that the interests of the bank can be other than identical with the interests of the people.

Having faithfully and accurately kept books in which every transaction is legibly recorded by competent and careful clerks, and these accounts open at all times to the inspection of the legislature, who annually appoint intelligent and disinterested committees to examine them; with such a man as C. M. Furman as president of the Mother Bank; and with such men as R. H. Goodwyn and J. Salmon as presiding officers of its branches—each, too, acting by the advice and with the assistance of twelve directors—gentlemen of high social standing, unimpeachable veracity and great business ability—all pledged to act impartially; with all these requisites, safeguards and appliances, it is merely ridiculous to suppose that the operations of the bank can be any thing but honorable, praiseworthy and judicious—because, for them to be otherwise is both physically and morally impossible. Physically impossible, because it must be impracticable and beyond the power of man to conceal deviations or prevent the discovery of peculations. Morally impossible for wrong to be done, or favoritism shown, because the whole legislature, the entire corps of officers and clerks, and every one of the thirty-six directors, would all, each and individually, have to be corrupt, unprincipled and perjured, before such things could be accomplished.

Yet, in the face of these facts, which of themselves are sufficient to convince any intelligent and candid man, that the stories current against the bank are merely malicious fabrications—yet, we repeat, in the face of these indisputable facts, by the instrumentality of political aspirants in want of hobbies, backed by the influence of thwarted usurers, so many tales have been palmed upon the public, under so many and such specious guises, so often repeated and presented in such multifarious shapes, that many worthy citizens of the Palmetto state, who would scorn to harbor an unworthy thought, have been made to believe that the bank of the State of South Carolina is a most corrupt establishment, supported exclusively as a means of popular oppression. Those who thus believe, in consequence of the misrepresentations of designing ones, we can readily forgive for the wrong they unintentionally commit, but what must be the debasement of the moral standard of those who have caused them thus to think?

Our limits debar us from making any extended remarks, either as to the bank or its policy, though we are certain that the few plain facts we have stated will carry more weight with them the more thoroughly they are investigated and the more closely they are sifted. We cannot close, however, without indulging ourselves in the pleasure of stating one or two instances which came within our knowledge, that will clearly and conclusively show both the manner in which the bank benefits the people, and also how and where it interferes with the transactions of the usurers, and consequently excites their energetic wrath and active animosity.

The first is the case of an honest and industrious but illiterate farmer of the up-country. A long life of economy and toilsome effort had enabled him to possess a small but unusually productive and fertile plantation. This was his all; upon it he lived and labored; and in the society of his wife and children, and in the management of his luxuriant crops, his life passed happily by. Upon either side of this farmer's land were situated the fields of two rich neighbors, who, with covetous eyes, daily looked upon the poor man's smiling acres, and longed to add them to the thousands they already owned. Time and again had they endeavored to purchase them, but in vain. At last, as he was falling into the sere and yellow leaf, this hitherto careful farmer contracted the fatal habit of indulging too freely with the bottle; embarrassments necessarily followed, and in a few years he found himself in debt, to the amount of five thousand dollars. Payment of his notes was demanded, and, to his astonishment, he found that all his liabilities were in the hands of his two wealthy neighbors. He asked them for time, and offered unexceptionable security, but they would not grant it, and insisted upon having the money at once, or threatened to sell him out by the sheriff. Almost heart-broken, the old man made every exertion that he could to raise the necessary funds, but to raise large sums of money in the country, at particular seasons of the year, is almost impossible, and all the farmer's efforts were unavailing. Judgment was entered up; the day of sale was announced; and the old man had resigned himself to despair, when a sympathizing friend, who had a knowledge of business, asked the distressed farmer if he had applied to the bank for help. "No," he answered, "I hardly know where the bank is, and I am not acquainted with a single officer of the institution, and know nothing about bank business." His friend assured him that this made no difference; and, in consequence of this wise adviser's solicitations, the old man, in his homespun suit, made his way to Columbia, and presented himself before the president of the branch bank. His story was soon told; the worth of his plantation was ascertained to be at least ten thousand dollars, and the directors immediately advanced him, upon the security of a mortgage, the money necessary to liquidate his liabilities. Joyfully did the relieved citizen turn himself homeward, the sun seeming brighter, the way shorter, and the air sweeter, than it had ever before appeared to him. The next day was the time appointed for selling the homestead, but no longer did he dread its advent; for, early in the morning, much to the astonishment, but more to the chagrin and disappointment of his creditors, he settled the notes they held against him, and prevented the execution of their unholy scheme to dispossess him of his home at half its value by a forced sale. Deep and dire were the maledictions uttered by those rich men against the institution which enabled a poor man to guard against their machinations. But the heartfelt praises of the rescued farmer more than counterbalanced them before the tribunal on high, if they were not heard so loud on earth; for, startled by the danger in which he had been placed, never more did he touch the ruinous wine cup, but took a fresh start in energy and industry; paid off, in a few years, principal and interest of the money so opportunely advanced; and, thanks to the wise liberality of the bank, instead of dying, as most probably he would

have done, a degraded and homeless drunkard, to be buried at the expense of the district, he is living under the shelter of his own vine and fig-tree, and a respected and useful citizen.

Another case: In Spartanburg district, a few years since, during a season of unusual business depression, and at a time when commercial difficulties had rendered the money-market remarkably stringent, a citizen died who was possessed of a large and valuable estate, valued at some twenty-five or thirty thousand dollars. The executor had hardly entered upon the duties of his office, when to his astonishment he was informed by a noted money-lender in the vicinity, that he held a confession of judgment against the deceased for the sum of ten thousand dollars. The immediate payment of this large sum was demanded. The executor reminded the holder of the judgment of the great scarcity of money throughout the entire country, and told him that even in the cities the capitalists were all short, and reminded him of the perfectly safe nature of the security he had for the liquidation of the claim. All this the creditor admitted, but insisted upon having his money without delay, or he would realize by selling the estate through the sheriff. The executor knew that the hard-hearted man had the power to do as he threatened; he also knew that if the estate was put up by the sheriff, to be sold for cash, that it would not bring, in the then state of the money-market, more than one-third of its just value; he also was aware, if things took this course, that the widow and orphans of his deceased friend would be cast penniless and homeless upon the world; and besides, he felt certain that the object of the money-lender in demanding a settlement then, was to force the property into market, so that he might become the purchaser, and add to his already overgrown fortune at the expense of the widow and the fatherless ones. Determined to avert the threatened calamity from the heads of those who had been intrusted to his care, if it were in his power, he made every exertion to find the money. Individual after individual did he apply to, but without accomplishing his object. Almost despairing, he, as a last recourse, thought of seeking aid from the bank, though he had but little hope of receiving aid there, for he knew how much at that time the institution was straitened. But he applied, stated the case plainly and fairly to the president of the Columbia branch, and at once received his assurance that, if it were possible, the bank would lend the requisite aid. The next day the executor told his story to the board of directors, and they, like the president, sympathizing strongly with the unprotected ones, at once dispatched a special messenger to Charleston to lay the matter before the mother bank and ask her aid, for the branch had received orders not to let out a dollar. The messenger went to Charleston and returned with the necessary money, which, on the security of a mortgage, was handed over to the executor, who, when hope had become hopeless, found himself able, by the bank's generosity, to pay the claim of the money-lender, and to preserve to the family of his departed friend the handsome competency which had been bequeathed to them, but which, but for the assistance of the bank, would have been reft from them. The anger of the usurer, when he found the prize he had calculated upon as already his taken from his grasp, was fearful; he swore that he would never cease striving to have the infernal institu-

tion which had caused him the disappointment, put a stop to, for, said he, "this is the third time it has caused me to lose a splendid bargain, and it is no use to be rich in South Carolina as long as this blasted bank keeps a man from taking advantage of hard times."

One more instance, and we have done; for though we could cite similar cases by the score, these are enough to prove conclusively the real spirit by which the actions of this admirable institution are governed. During a period of scarcity, a rich and distinguished gentleman of Fairfield district applied to the branch bank for a discount of one thousand dollars. For several weeks he was unable to obtain the accommodation he desired, when, hearing that in this interval several of his neighbors, who were poor, had obtained money from the bank, he became offended, and proceeding to Columbia, requested of the president an explanation of the cause why he, whose security was of the first class, could not get what he wished, when his comparatively very poor neighbors could procure money." "That," replied the president, "is the very reason—they got it because they were poor. The help they wanted they could obtain in no other place, and it was absolutely essential to prevent them from suffering. But with you the case is different; you can obtain credit anywhere, and though you may be inconvenienced, you cannot be injured by a denial here. We have but little money at our disposal just now, and the wants of the community are great, so we help those who most stand in need of assistance." The force of the reasoning and the justice of the action were at once apparent to the gentleman, and he exclaimed "God bless the bank! and may it ever be preserved to benefit the state!" Yet, this is the institution which has been so vilely slandered by politicians, writers and speakers. May it hereafter have justice done it!

When we remember that banks and all other public institutions are in themselves moral nonentities, and that it is the officers and directors thereof who are actually the parties referred to, when the management and actions of corporations are spoken of, the necessity of introducing the foregoing remarks in relation to the bank of the state in this article, becomes at once apparent. And the fact that the subject of this sketch has for so many years since given unqualified satisfaction both to the friends and enemies of the institution, speaks louder than words in proof of his possessing the many admirable and uncommon traits of character which are here attributed to him. Truly is Robert H. Goodwyn a citizen of whom any state might be proud, a gentleman whose presence would benefit any community, a man whose name would reflect honor upon any office. Mentally, he is independent, firm, energetic and discriminating; morally, he is conscientious, upright and pure—whilst socially, he is the very personification of a southern gentleman—polished in his manners, affable and conciliatory in his deportment, hospitable, generous and benevolent in his domestic intercourse. That he may long be permitted to enjoy the vigorous health which a good constitution, temperate habits and a clear conscience now bless him with, and that his valuable life may be spared for many years, are the sincere wishes of his countless friends.

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William Phillips

OF BOSTON, MARYLAND



HON. WILLARD PHILLIPS,

OF BOSTON, MASSACHUSETTS

WILLARD PHILLIPS is one of the many Americans, especially New-Englanders, who are the architects of their own fortunes, having commenced life under what are usually esteemed, and, to many young men, are in fact great disadvantages in the way of obtaining an advantageous social position. In his case, as in many others, the bearing up against the obstacles from want of pecuniary means and external helps, and overcoming them, constituted, of itself, a very useful part of education. Bridgewater, in the county of Plymouth, or The Old Colony, as it is more frequently called, in Massachusetts, was his native town, where he was born on the 19th of December, 1784. His infancy was passed there, and his childhood on the borders of Northampton and Williamsburgh, in the county of Hampshire, where his relatives resided, and his youth, to the age of nineteen, in the town of Cummington in the same county. To that age his only means of education were the common schools of the time, namely, at first that of a school-mistress in summer, and a schoolmaster for the winter months, and afterwards only the latter, in which Noah Webster's spelling-book was the principal classic. At the age of eighteen, having gone through the usual transformation of New-England boys of any bookish propensities, from pupil to instructor, he took charge of a school in the neighboring town of Goshen. He has recently, as he relates, passed through this same neighborhood, which, after an intervening half century, suggested thick coming reminiscences and reflections. He at first, on revisiting the scene, supposed himself to be alone, near his old boarding-house, now going to decay, in the midst of another and strange generation, until the past and present were brought into connection, by meeting with one of his younger pupils, whose vivid and affectionate recollection of his early teacher occasioned a cordial greeting, and who gave an account of the fortunes and fates of those of the former old people, now dead, and former young people, now old.

Young Phillips had always been in the advanced rank among those of his own age in the studies then pursued in the public schools, the attendance on which were interludes to his agricultural employment. At the age last above-mentioned, after teaching a second time for a few months in the town of Chesterfield, he broke ground in the Latin language under the instruction of his fellow-townsmen, companion and friend of the same age, Calvin Briggs, who having graduated at Williams College, was then studying under Dr. Bryant, a distinguished medical practitioner, and father of William Cullen Bryant, since so well known by his literary reputation on both sides of the Atlantic. Between the last named and Judge Phillips, a friendship subsequently sprung up and still subsists. Dr. Briggs, by whose assistance Phillips was initiated into the rudimental mysteries of Latin, afterwards settled in Marblehead, where he continued in medical practice until his death, in the present year of 1852, between whom and his former

pupil, a mutual regard was always maintained, although their different paths seldom admitted of their meeting.

Phillips early decided on Harvard as the place of his education. The prospect was not without its discouragements. Education at this or any similar institution, cannot be obtained without a considerable expense for one whose only means are his learning and his credit, but he "bated not a jot of heart or hope," being always cheered on by his friends. He next pursued his studies for a considerable time with Mr. James Thomas, of Bridgewater, who had in his youth been pronounced bachelor of arts by the authority of the government of Harvard College, and by the same authority commissioned to teach others—a privilege of which he had availed himself to some extent, but had never made teaching, or either of the employments sometimes by courtesy denominated the learned professions, his regular business. His residence was on his own grounds, in the midst of pleasant orchards and fields; he kept large feathered flocks, carried on his farm, laboring himself withal, in which his pupil joined him a part of the time. At this time and afterwards, until pretty well advanced in life, Mr. Thomas continued a bachelor, not only as far as the arts and sciences, and the commission issued by authority committed to the president of Harvard College, were concerned, but also in respect to what Mr. Oldbuck would call "the woman kind." Mr. Phillips was afterwards for a few months the pupil of the Rev. Mr. Niles, of Abington, finished his studies, preparatory to entering college, at the academy of what was at that time the south parish of Bridgewater, a flourishing institution in a pleasant locality then under the preceptorship of Richard Sanger, who had been recently a tutor in Harvard College, and was accordingly well versed in all the learning necessary for matriculation there. While at this institution Phillips boarded in the family of Dr. Noah Fearing, the principal physician of the place, whom he takes pleasure in commemorating as from that time one of his most attached and kindest friends, who with one other subsequently advanced to him all the means requisite (in addition to his earnings by teaching and otherwise) for completing his education, solely on his own personal responsibility. The debt thus contracted was finally discharged with interest, when he said to Phillips, that soon after the latter became an inmate of his family, he had resolved to become the creditor of his new acquaintance to any amount requisite to meet the expenses of the university.

After filling the period of two years and a half with study, and teaching others in the towns of Abington, Easton and Marshfield, with other auxiliary industry, Phillips found himself on horseback with Mr. Sanger's certificate of his moral character in his pocket, on the day of the annual commencement in the summer of 1806, with his face set Cambridge-ward. The route was, as he states, by the way of Boston, on a somewhat cloudy evening, through streets rather perplexing. The scene was one of an exhilarating mysterious tumultuousness, to a solitary wayfarer in the night time on his first visit. If a thronged city is new to him, he does not soon forget the interminable rows of lamps in the streets and on the bridges; throngs of people jolting each other, and

hurrying to and fro, seemingly not knowing whither or wherefore; rumbling of carriages on the pavements and on the bridges far and near, and sounds of voices and musical instruments in the dwellings, and apparitions in gay attire seen here and there through an open door or window.

When all these novelties were left behind, and the uproar of the city had subsided into a distant "solemn roar" of the bells giving signal to exemplary people to extinguish their lights, the scene changed, and Cambridge presented itself, with tents arranged in the manner of streets on the common, with shows, music, dancing, and revelries, menageries of wild beasts, jugglers, and all the antics, and frolics and follies which constituted the fifth act of the commencement drama of the good old time.

On the following day the trial of the candidates, conducted by inquisitors in black dresses, being passed, Phillips found himself one of a band of sixty-four admitted freshmen, quite a large class for those times. A number of these, then new acquaintances, in his case (as often happens) have contributed very materially to those sociabilities, sympathies and mutual good offices, which go to make up an important part of what is called one's life, not merely for the four college years of it, but also the subsequent ones. Among the number were some who have since been known to the public, viz.: Joseph G. Kendall, member of Congress from Massachusetts; Jas. G. King, of New-York, who has also been member of Congress from New-Jersey; Wm. F. De Saussure, of South Carolina, member of the Senate of the United States in 1852; Francis Boot, now of London, distinguished by his attainments in natural history, and known to every American who visits England, as a skilful, respected, and esteemed physician; Theodore Lyman, of Boston, lately deceased, who published some account of his travels in Europe, also a statistical and economical treatise, who enjoyed civil distinctions in his own state, and is commemorated for his donations while living, and for his bequests for charitable foundations, especially to the state reform school in Massachusetts; Octavius Pickering, known by the Reports which bear his name; Francis Bassett and John Davis, both successively clerks of the courts of the United States; Dr. William J. Walker, of Charlestown, Massachusetts, highly distinguished in his profession, particularly as a surgeon; Benjamin Faneuil Hunt, of Charleston, South Carolina, known in the profession of the law; John Cotton, distinguished in the medical profession in Marietta; Stephen Fales, a member of the senate in Ohio; Jonas Wheeler, who was during a session president of the senate in Maine, and others of professional and civil distinction, and others again, some of whom are subsequently mentioned, less known to the public, perhaps, but not less meritorious or worthy to be remembered, if it were the present purpose to give a full catalogue of Judge Phillips' intimate friends.

There were, however, two other of his classmates who were fellow-graduates with him whom he desires to be particularly mentioned; one of them, his very intimate friend and companion, Joseph Swasey Farley, of Ipswich, Massachusetts, the first scholar and most talented member of his class. Farley gained the first prize, and Phillips the second, for dissertations—then, as now, given to the Sophomores. He engaged in

mercantile life, and died early in the East Indies. The other classmate referred to was Edward Strong, youngest son of Caleb Strong, then, and for some years afterwards, Governor of Massachusetts. Strong was Phillips' chum in their senior year. He was talented and accomplished, but extremely unpretending, to which, in some degree, was attributed his being omitted in the distribution of parts for public performance at the graduation of his class. His friend and chum thereupon used his influence with the class to have him elected to make the address to them on leaving college, which is usually assigned to one holding a distinguished rank for scholarship. Strong came off with much eclat, and fully justified the appointment. He died soon after being graduated, and his memory is affectionately remembered by all who knew him, especially by his chum.

Judge Phillips relates that, after one of the vacations, Strong mentioned, that Greek studies happening to be the subject of conversation at some time while he had been at home in Northampton, his father, then considerably advanced in years, surprised him by incidentally repeating, unhesitatingly, from memory, some fifty lines, more or less, of the beginning of the Iliad—an indication of early scholarship and of a retentive memory which few of his successors at college could give.

The subject of this sketch was on intimate terms of friendship with most of those above mentioned, and with some others of the class subsequently mentioned, and the friendship continued with those who have deceased during their lives, and still continues with the survivors; and he states, that he does not recollect to have had any misunderstanding, or reciprocation of injuries, resentments, or jealousies, with any of his university associates during his life; and they have afforded him material help in his social, literary, professional, and business pursuits, during his subsequent years, which he has been ready to reciprocate.

In his junior or senior year, there was assigned to him the leading performance at one of the exhibitions, which, as it happened, was the occasion of his contracting one of his most grateful and cherished friendships. Mr. Peter Wainwright, and Mrs. Wainwright, his wife, the daughter of the distinguished Dr. Jonathan Mayhew, formerly of Boston, and mother of Dr. Jonathan Mayhew Wainwright, of New-York, were then residing in Cambridge. Mrs. Wainwright happened to be present at the exhibition. Something in Phillips' performance, or his manner—not his good delivery, for he did not speak set performances well—struck Mrs. Wainwright's attention and excited her interest, and she invited him to her house; and from that time until her death, some twenty years afterwards, the most intimate, and mutually-confiding, and never varying friendship continued to subsist between them, and still subsists between Judge Phillips and her surviving sons. Mrs. Wainwright was, in many respects, an extraordinary woman. She was of a social disposition, and possessed surpassing powers of conversation; she was philanthropic, liberal-minded, and intellectual; somewhat adventurous and speculative, but high-toned in her habits of thinking; a very considerable reader; had resided some years in England; had a wide acquaintance with leading and distinguished persons; was a good observer, and did not forget what she had learned. She was, accordingly, an exceedingly interesting and useful friend to one who was in the period of his social

noviciate, when the society of an intelligent, cultivated female, of greater age and experience, is most material.

Besides the small fund of some hundred and thirty dollars with which Phillips started at the university, with such economy as he could practice, and such alleviations of the expense as the college could lend, and such auxiliary aid as teaching during the winter vacations would afford, he found himself, on leaving college, encumbered with a liability of some six hundred dollars, which it behooved him to provide for while he was acquiring his profession. He, accordingly, immediately became an assistant to the Rev. Dr. Asa Eaton, in a school in Boston, giving part of his time to professional studies by reading Coke upon Littleton with his friend and classmate, Kendall. In the latter part of the year, through the influence of his classmate in college, and ever since intimate friend, Thomas A. Dexter, Esq., he began a school on his own account, which he gave up before the end of the year, on being appointed tutor in college, as teacher in Latin at first, and afterwards in arithmetic, geometry, and natural philosophy, during four years in the whole.

In his senior year his eyes had begun to be weak, so that he depended partly upon his chum, Strong, for reading, particularly during evenings. Their habit was, when the next morning's lesson had been studied or neglected, and all the preparations for sleep made, except extinguishing the light placed near to Strong's bed conveniently for reading, to give the remaining hour to some English classic, whose pages Strong's melodious tone, fluent, distinct utterance, and graceful inflexions and cadences, (all spontaneous, and inherited from his father,) made more interesting.

Judge Phillips' sight has been occasionally quite weak, and never strong to the present time, so that he has not usually been able to use his eyes for continuous reading, at most, over two or three hours in the twenty-four. He has accordingly depended partly upon some friend for eyesight, which, though it has compelled him to total abstinence from the delightful solitary nocturnal reveries of intemperate reading, to which he might otherwise have had the satisfaction of addicting himself, yet it has been attended, like most troubles, with its compensations, for he has most of his life, since reading some of the best authors with Strong, to the present time, had some associate with whom to read with mutual interest on one subject or another, and much of the time his companions have been such that social reading has been as instructive, as well as more agreeable, than solitary could have been.

The period of years passed by him at the university was in the early part of Dr. Kirkland's presidency, whose friendship towards Mr. Phillips then began, and continued during his life, which the latter reckons as one of the most fortunate circumstances of his own. Every one who was on terms of intimacy with Dr. Kirkland cherishes the remembrance of him with admiration and affection. He was, in person, well organized and proportioned; his features, which may now be witnessed, as rescued from time, in the likeness painted by Stewart, hanging in Harvard hall, were of a fine cast; his aspect was winning, and full of benignity; his manners were marked by a gentlemanly, polished, serene, negligent ease, and civil frankness. He had an instinctive perception of the characters of people, and was quick to observe their foibles and

weaknesses, as well as their excellencies; and so free was he from jealousy, envy, selfishness, and conceit, that no person more heartily admired and applauded those excellencies and performances which came most nearly in competition with his own pretensions. He had read largely, and remembered well; his taste was accurate; he had a keen wit, and great felicity of phrase. His very deficiencies, such as desultoriness, want of steadiness, fixedness, and tenacity of purpose, and of a sustained sturdy self-reliance, helped to prevent those barriers which are not unfrequently raised between persons of transcendent character and their intimate acquaintances, and served to endear him to his friends rather than to alienate them. Such is a fragmentary sketch of the characteristics of the distinguished Dr. John Thornton Kirkland. He treated Mr. Phillips with the greatest kindness, from their first acquaintance, introduced him to some of the leading men at that time in Massachusetts, particularly to the Hon. George Cabot, to whose kindness Mr. Phillips was afterwards greatly indebted.

While Mr. Phillips was instructor in Harvard College the system of the scale of merit since used in that institution was introduced. It had been difficult to assign the performances at commencement and exhibitions, for each professor and tutor would, in many instances, assign to the same student a different rank of scholarship, and a different degree of merit in other respects, and it was not easy for any one to determine the comparative merit of the students from those different opinions, as it was not possible to understand from a mere general statement how much, on the whole, each instructor considered any one to have the lead of others in respect to whom the comparison was made, so that no notion could be formed of the aggregate result of the various judgments. The distribution of parts at some exhibition being in discussion, and the questions becoming more difficult to decide at each successive meeting of the faculty, Mr. Phillips at length proposed that each should make a scale of merit of the students in question in his department. This was opposed by some, particularly one of the older professors, on the ground that it would be reducing all the departments to an equality, to which Mr. Phillips replied, that they might, if the majority chose to do so, give different degrees of weight to the different departments. Still it was strenuously opposed. In the mean time Mr. Phillips made a list of the different students to whom the discussion related, and asked one member after another, separately, while the desultory discussion was still going on, what number to put down for each, and in this way constructed a scale, and made up the resulting aggregate, all which was done in the course of half of an hour or less, without hindering the debate, which was still proceeding to very little purpose. Mr. Phillips then read the aggregate of the different responses. The process had the effect of putting an end to the discussion, for each one being thus furnished with a key to the comparative judgments of the others, readily made up his own, and the matters in question were quickly settled, either by an entire unanimity, or by so decided a majority as to preclude further debate.

The method was so obvious, convenient, and even necessary to any satisfactory decision, that it has prevailed ever since in the university, not merely in reference to the assignment of parts and awarding dis-

tinctions, but has been carried too far into the entire discipline in the opinion of some persons of weight and authority, so as to cause the marks about trivial matters to make too great a figure, and give the decisions too much of a merely clerical character. They think that the scale should not be carried to great minuteness, and that the proportionate weight of different matters should be regarded, and that the addition should not be itself the final judgment, but be subject to the exercise of a large discretion.

Parts of Adams's *Roman Antiquities* were added to the course of instruction in the college at Mr. Phillips' suggestion, though his impression is, that the book was introduced after he left. This branch has since been enlarged and other more recent text-books substituted.

He, also, at the request of President Kirkland, made a sketch for a change in the system of instruction, the main features of which were, first, that the students should, during their freshman year, have such local accommodations as to give them easy access to their instructors, at all times of the day, and subject their conduct and studies to more constant and direct supervision, while their habits of study and deportment were forming, besides having regular exercises, as tests of their application and proficiency; second, that, in each different branch of study, the initiatory training should be much more thorough, and the recitations and examinations as frequent as practicable, but that, afterwards, when the student had made such progress as to be able more successfully to instruct himself, less time should be lost by a whole class or division, in waiting for abortive attempts to extort evidence of diligence or intelligence from pupils who have made no attempt, or only ineffectual ones, to learn; third, that the concurrence and succession of different branches of study should be modified, so as to render one, in a greater degree, a relief and auxiliary to another.

These propositions have not been specifically acted upon, and there may be less chance for improvement, and more practical difficulties in the way, than Mr. Phillips supposed on a hasty and imperfect investigation.

During this period, Mr. Phillips made his earlier attempts in print. One was a pamphlet printed during the war of 1812, entitled, "An Appeal to the Public Spirit of the Federalists and the Good Sense of the Democrats," which, however, attracted little notice, and is probably forgotten by everybody but the writer, and hardly remembered by him. It was an exhortation to both parties, to united energy in defence of the country and prosecution of the war. His other attempts were in the newspapers, the most elaborate of which was a review of the works of Robert Treat Paine, published about 1813, in the *Boston Repertory*, which was more successful than the pamphlet.

During this second college life, Mr. Phillips, after the first year, pursued his professional and other studies in company with his classmate, Kendall, then his co-instructor and constant companion, and ever after, during the life of the latter, his most familiar friend. In the latter part of this period, he entered his name in the office of the late Honorable William Sullivan, then, in 1815 and 1816, in large practice, an accomplished gentleman, of easy, polished manners, among the leaders in fashionable life, and also among the leaders, on the federal side, in public

affairs; having then and afterwards, during his life, a cordial and constant regard for his disciple in the law, which was fully reciprocated by the latter.

During December, 1814, and January, 1815, while Mr. Phillips was still one of the instructors of Harvard University, an association was formed, consisting of President Kirkland, Edward T. Channing, since professor in Harvard, Mr. Phillips, and others, for starting a literary periodical, under the title of the "New-England Magazine and Review," Mr. Phillips being the proposed editor. Articles of association were adopted, and sundry meetings were held, the records of which, kept by Mr. Channing, as secretary, he has preserved. In a letter written by Mr. Channing, January 5th, 1815, he says to his correspondent, "How you would have laughed could you have peeped into my snug office for two or three days past, and have seen the great men—learned doctors of law and of divinity, tutors at colleges, editors and publishers—holding solemn debate on the magazine; one writing a prospectus, another talking about style, a third counting the cost and chance of success, and, lastly, your correspondent himself listening to all that was said, and recording it as secretary of the meeting."

When the preparations had been made for announcing the publication, the associates learned that a similar one was proposed by Mr. William Tudor, then just returned from his travels in Europe, and since known as author of the *Life of James Otis*, and other literary productions, and also as American Consul at Rio Janeiro, a gentleman in high estimation for his manners, accomplishments, literary talents and acquirements. He was a personal friend of some of the associates. The field was thereupon left open to him.

The first number of the bi-monthly "North American Review and Miscellaneous Journal" accordingly came out under Mr. Tudor's editorship in May, 1815, and was continued during a year, at the end of which period he put it at the disposal of Mr. Phillips, Mr. Tudor voluntarily proposing and choosing to continue editor for one year longer without salary.

In the mean time Mr. Phillips had commenced the practice of law, as junior in the office of the Hon. Benjamin Gorham, at that time of high forensic reputation, and subsequently a distinguished member of Congress. The Review, at the time of the pecuniary responsibility being assumed by Mr. Phillips, needed the utmost economy as well as all the activity, talent and learning that could be brought to its aid to bear it up, and Mr. Phillips, seeing that the usual publishers' commission weighed heavily upon its resources, had the copies of the number for May, 1816, sent from the printers to his office, and a part of them were there inclosed and dispatched to subscribers. Messrs. Wells and Lilly, then the leading publishing firm in Boston, who had published the work the preceding year, very soon, and before all the copies of that number had been distributed, liberally offered to publish it during the year free of commissions, which helped materially to carry it through that year.

On Mr. Tudor's retiring from the editorship in 1817, an association of contributors was formed, consisting of some of the old associates and some new ones, viz.: John Gallison, known as the reporter of the early

decisions of Judge Story, a lawyer of early eminence, who died young, much respected, beloved and regretted; Nathan Hale, editor of the *Boston Daily Advertiser*; Richard H. Dana, since well known in the literary world; Edward T. Channing; Mr. Phillips; William Powell Mason, successor of Mr. Gallison as reporter of the decisions of Judge Story; and Jared Sparks, then tutor in Harvard, whose name is since familiar to the public as an author, and as president of Harvard College. Mr. Sparks was editor, during that year, of the fifth and sixth volumes.

The associates held weekly meetings for reading and deciding upon communications, and selecting and distributing subjects to be written upon. These, though in some sort business meetings, were kept up with much interest, vivacity and harmony, at which the literary friends of the associates not unfrequently attended, and the zeal and spirit of the association were by degrees infused into the *Review*, and the effect was manifested in reaction by subscriptions and communications. At the end of that year, in May, 1818, Mr. Channing succeeded to Sparks as editor, at the commencement of the seventh volume, and edited the seventh, eighth and ninth volumes, until his appointment in October, 1819, as Boylston professor in Cambridge University. With the eighth volume the *Review* began to be published quarterly instead of once in two months as before. Mr. Everett succeeded to Mr. Channing as editor. The proprietorship of the *Review* was in the same association from May, 1818, until it was transferred to Mr. Sparks, in 1823, when he resumed the editorship.

Mr. Phillips was a frequent contributor for some years, and an occasional one subsequently until about 1836. One of his early articles was upon Professor Hedge's logic, then just published, and one of his later, on Lord Brougham's ethical volume, upon which Dr. Henry Ware, Jr., then professor in the Cambridge Theological school, expressed himself in quite commendatory terms in a note to the writer. The logic article, though favorable to Professor Hedge's book, was not entirely satisfactory to him, because it did not treat the subject with sufficient gravity. Most of Mr. Phillips' articles were upon works of imagination and taste, the reviewing of which did not require any special preparation, and accordingly did not interfere with his professional and other business pursuits.

About six years after commencing practice, Mr. Phillips began to collect materials for the first edition of his *Treatise on Insurance*, which was published in 1823, in one volume. The materials for the work were collected entirely by resort to the original authorities. In the general distribution of the subjects, and the arrangement and order of the topics, no prior treatise was followed, and Chancellor Kent stated to the author, early after the latter became personally known to him, that he had given Mr. Phillips' division of the subject the preference in his lectures, now well known as Kent's *Commentaries*; the distribution of subjects in which, however, varies considerably from Mr. Phillips' *Treatise*. This remark is mentioned here, because it is some evidence that Mr. Phillips had not wholly failed in attempting the very difficult labor of distributing the subjects and arranging the topics, so much entangled and interlaced together in this title of the law, and because he

cherishes the remembrance of the token of favorable opinion given then by Chancellor Kent.

In this treatise, the author availed himself of Valin's Commentaries on the French Ordinance of 1681, much more largely than previous elementary writers had, looking upon those commentaries as one of the richest magazines of this branch of commercial law, abounding in doctrines which are applicable in all countries, and which do not become obsolete; esteeming Emerigon, though a model in lucidness, learning, faithfulness and accuracy, less masterly and profound.

In preparing this treatise the author was much indebted to the great practical experience, science and learning of the late Hon. George Cabot, who most obligingly permitted Mr. Phillips to consult him in all matters of doctrine and practice in marine insurance, and besides, always during his life in the most friendly manner gave the author the benefit of his wide experience in affairs and great knowledge of men, communicated with the affable dignity, easy grace and colloquial fluency for which he was distinguished, and which gave a charm to his conversation.

In the preface to the first edition of that treatise, the author also acknowledged his obligations to the late Christian Mayer, Esq., of Baltimore, the president of the Patapsco Insurance Company of that place, a well-informed and able practical underwriter, who obligingly and elaborately replied to the numerous inquiries addressed to him relative to the principles and practice of insurance; and the author was under no less obligation to his since deceased friend, Joseph Balch, Esq., of Boston, former president of the Merchant's Insurance Company, a gentleman of great ability and indefatigable application in studying and practically applying the science of marine insurance, but who through modesty declined any public acknowledgment by the author.

This treatise was well received, and its publication had a favorable effect on the author's professional business, as had also his treatise on patents, published in 1837, of which Judge Story has spoken in very favorable terms in some of his judicial opinions. Both of these works were introduced by Judge Story as part of the ancillary course of reading in the law school of Harvard College.

In 1825 and 1826, Mr. Phillips was a member of the legislature from Boston; and in 1827, on account of his health having been somewhat affected by rather severe application in his sedentary pursuits, he withdrew from professional practice for a time, and passed one season in the town of Palmer, near Springfield, superintending the erection of buildings and structures for a manufacturing establishment, his interest in which, and other similar investments, in the depression which followed, swept away the fruits of his previous industry, and left him to start *de novo* at the age of forty-two in making provision for the future.

At this period he made a voyage to Cuba on business, with a view to the re-establishment of his health. His stay in the island was partly in Havana, with his ever since intimate friend, John Morland, and partly in the country, at the plantation of the late Mr. Nathaniel Fellows. The climate, the objects, the people, and mode of life, have a great interest for a stranger from the North; and Mr. Phillips, not unfrequently in conversation, refers to the scenes and incidents of the excursion, which made a greater impression, as his other travels have extended

only from Portland to Washington on the coasts, and inland to the interior of New-York, on visits to his, at the time, surviving parent, in Broome County, and southwesterly to the valley of Wyoming, in Pennsylvania, and northerly to Niagara Falls and Quebec; so that, for a person of these times, his journeyings have been quite limited.

The reminiscences of this voyage to Cuba furnished the materials for a part of an article published some time subsequently in the *North American Review*, on a journal of a similar excursion by the Rev. Dr. Abbot, of Beverly, in which article the incidents of the voyage were read with a good deal of interest by the late Dr. Bowditch, as he himself stated to the author, as being a faithful description of the sea-faring life of a passenger.

In 1828, Mr. Phillips resumed professional practice, taking as his junior associate Richard Robins, Esq., recently deceased. About 1845 he substantially withdrew from practice, though he has continued to be occasionally consulted by his old clients, and sometimes by others, in matters with which he was more particularly conversant.

In 1837, under an act of the legislature of Massachusetts, a commission was issued by Governor Everett, for Charles Jackson, formerly judge of the Supreme Court, as chairman, and Mr. Phillips and others as associates, for reducing so much of the common law as relates to crimes and their incidents to a code. Judge Jackson was obliged by the state of his health to retire early from the commission, whereupon Mr. Phillips became chairman. The other members were changed by resignation and death, and new appointments from time to time. In 1839, a preliminary report was drawn up by Mr. Phillips, and a specimen of the form proposed to be adopted, in the preparation of which the late James C. Alford, of Greenfield, then a member of the commission, took an active part. He was at the time elected member of Congress, though prevented by his decease from attending any session.

A code of the law of crimes and punishments was eventually reported by Mr. (then Judge) Phillips and his friend, the Hon. Samuel B. Walcott. Judge Phillips assiduously devoted all the time he could command, by early rising, and avoiding interfering engagements, as much as was practicable, for full four years, to the arduous work of preparing this code, every part of which, before being printed, had been submitted to skilful and experienced lawyers, not of the commission, who had given their approbation. The plan was not to make laws by propounding new provisions grounded upon speculative doctrines, but merely to express the law as it then existed, and introduce amendments where the books were contradictory or the defects were palpable, the instances of which were always specifically pointed out in the notes. The phraseology was studiously selected and guarded, that it might not embarrass jurisprudence, and at the same time should enable the people, who are bound by the law, or those whose profession it was to give legal counsel to others, to learn, at least, its outlines in matters of crimes and punishments, which knowledge is not easily gained in the multifarious repositories in common use. But the greater part of the profession in Massachusetts were then sturdily opposed to the codification of the common law, considering any attempt of the kind to be wholly experimental, and theoretical and dangerous—a sort of Jeremy

Bentham-ism. Accordingly, when the reported code was before the Senate, some one of the members, after making a few disparaging remarks on codification in general, read, by way of illustration, the definition of larceny, which seemed to him open to the grave objection that the sentence was a long one, and thereupon it was voted to dismiss the subject.

Such for the time was the result in the legislature of the four years arduous labors of Judge Phillips, besides those of the other members of the commission. The reported code, however, has been of important use in Massachusetts, and has been sought for elsewhere, and not a few testimonies have been given to the fidelity, elaborateness and skill in the execution of the work, by jurists both in and out of Massachusetts, whose authority is of weight, and who have examined it for other purposes than measuring the sentences. Judge Phillips had anticipated for some time what would be the result in the legislature, but still proceeded with unabated intensity in the execution of the work, out of regard to his own reputation, which had of course become in some degree implicated in the issue, and which he is understood to be still willing should rest upon that report.

While Mr. Everett was governor of the state, in 1839, Mr. Phillips was appointed Judge of Probate for the county of Suffolk, an office which he held until December, 1847, when he resigned, because he had other sufficient and preferable occupations, especially that of president of the New-England Mutual Life Insurance Company, which had been put into operation in 1843 by numerous leading and public-spirited men in Boston, as an institution much needed, and which would be of great utility, as in fact it has proved to be.

The object of this sketch is not to eulogize the subject of it, or to say the utmost that truth might justify. It may, however, be said without risk of the imputation of partiality, that Judge Phillips discharged his judicial duties, during the eight years while he held that office, satisfactorily to the public, and generally to those who had business in the court.

In 1833 Judge Phillips married Hannah Brackett Hill, daughter of the late Hon. Aaron Hill, who had been many years postmaster in Boston. This lady survived her marriage between three and four years. He married for a second wife, Harriet Hill, a sister of the former.

At the time of his judicial appointment, he resided in Boston, where he continued to reside during the winter season, and part of the spring, so long as he held the office, passing his summer in Cambridge, where he has since resided, though Boston is his place of business and correspondence. Judge Phillips is at present occupied with a third edition of his Treatise on Insurance, which will be published soon after this sketch.

Besides the legal publications and literary contributions already mentioned, Judge Phillips contributed divers articles, including one on Political Economy, to the *Encyclopedia Americana*, translated and edited by Professor Francis Lieber, now of South Carolina; and made a digest of the first eight volumes of Pickering's Reports in 1832, with the assistance of his friend, Edward Pickering, Esq., and edited the first American edition of Collyer on Partnership, with the assistance of

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Noah Pomeroy
Murder
Court

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Engraved for the Publishers of *Lives of Eminent Americans*

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Sociological Inquiry

DOI: 10.1002/1522-2675(200103)23:3<251::AID-MAG251>3.0.CO;2-1

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and distributed in a very wide range, but not so common as the other species. It is found in the same localities as the other species, but is more common in the mountains. It is found in the same localities as the other species, but is more common in the mountains. It is found in the same localities as the other species, but is more common in the mountains.

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FIGURE 1. J. W. McLEOD

Engraved for the *Proceedings of the American Association of Economic Geologists*

the same collaborator. He also published a treatise under the title of "A Manual of Political Economy," in 1829, a great part of which was lost by a fire, and in 1850 a duodecimo volume entitled "Propositions concerning Protection and Free Trade." On this subject he hopes to write still more, if his health and leisure permit, for the purpose of exposing what he is well known to consider the groundless and extraordinary dogmas and assumptions which are current under the title of "Free Trade," and which have been put into circulation as a part of the science of Political Economy, and are taught in our public seminaries as such.

On this subject Judge Phillips takes a deep interest, because he considers it next to the preservation of the Union, and hardly second to it, the most vitally decisive of the prosperity and progress of the country.

NOAH POMEROY,

OF MERIDEN, CONNECTICUT, PRESIDENT OF THE MERIDEN BANK.

UNDER a popular government like ours, where the democratic idea of equality is as fully developed as the present imperfect condition of mankind will permit, we expect, as its legitimate fruit, the triumph of individual worth and energy over all the competitors that wealth and class may put against them.

The avenues to wealth and distinction are alike open to all, but this enhances, rather than detracts from, the merit of those whose energy and integrity have triumphed over all the obstacles intervening between friendless indigence and their attainment. Poverty and labor, at no time dishonorable in themselves, never assume more attractive features than when the former appears as the nurse of those virtues, which the latter by years of honest and wearisome toil transplants in a higher and richer soil; and the biographies of those men, whose sterling worth and active enterprise have won for them a strong pre-eminence and commanding influence in the society in which they move, must be replete with those facts which should encourage and instruct the young. Such is the subject of the following sketch:

Noah Pomeroy was born March 1st, 1786, in Saybrook, Connecticut, and was the youngest of five children; three sons and two daughters. His father, Charles Pomeroy, was a merchant of that place, and died a short time previous to the birth of his youngest child. If a long and honorable line of known ancestry had been capable of conferring distinction, the subject of this sketch could scarcely have desired a more auspicious birth, for his family trace their ancestry into the eleventh century, to a distinguished Norman knight who fought at the battle of Hastings under William.

One of the descendants of the knight, Eltwood Pomeroy, emigrated to Massachusetts in 1630, from England, and was well known in the early Indian wars of New-England; and the history of the Indian, French and Revolutionary wars, bears honorable record of the bravery

and patriotism of many of his descendants. Noah Pomeroy is descended from Eltwood, and his only inheritance was the good name and strong physical and mental capacities of his ancestors. After the death of his father, his brothers and sisters were kindly cared for and educated by his paternal grandfather, a man of considerable property and good standing in Colchester, Conn.; while he from necessity remained with his mother, who removed with him to Meriden.

When about five years old his mother contracted a second marriage, which to him proved of little advantage. He continued to live with his mother and father until he was ten years old, when, penniless and scarcely possessing a knowledge of the English alphabet, he commenced the world for himself. His first great object was to secure an education which would enable him to transact the common business incident to a life of action and enterprise, such as his youthful perception had already foreshadowed as his. In attempting to accomplish this, he was obliged to struggle with difficulties which those alone can rightly estimate who have had the same to contend with. The meagre earnings of the summer afforded a bare surplus, with the most rigid economy, to apply to the purpose of his education during the winter; and often this was lawfully claimed and obtained by his step-father.

At fifteen he commenced peddling tinware, but this gave offence to some of his nearest relatives, because they regarded it as an occupation which was discreditable to their family—an idea engendered by a false pride—which finally leads to the absurd conclusion that all manual labor is demeaning. After repeated solicitations by other members of the family, he was induced about three years afterwards to commence an apprenticeship with a carpenter and joiner; a trade in those days being esteemed next to a profession. He continued, however, but a short time in this employment. He had already selected the business most congenial to his feelings for his future occupation, and returning to his peddling wagon, he made use of it as the most direct and honorable means within his power, wherewith he could eventually make himself master of the business, and establish himself in the manufacture of tinware. Accordingly at twenty he apprenticed himself to a tinsmith for six months, for which he paid a stipulated sum, and in that almost incredibly short period gained such an insight into the business, as to enable himself to become a complete master of the trade which usually required four or five years to learn. In the succeeding year he engaged in the manufacture of plain tinware, with the advantage of but about two years' common school education, which was all he ever possessed. During the same year he married Miss Mary Merriman, a lineal descendant of Lieut. Nathaniel Merriman, who was one of the first settlers in Wallingford, Connecticut, and who commanded in the early Indian wars.

During the eleven years succeeding, he prosecuted a small, yet successful business at various localities. In the autumn of 1807, he removed to Plymouth, Conn., where he continued his business until 1815, with the exception of one winter spent in Baltimore. It was during his residence at Plymouth that the second war with Great Britain commenced, of which he was an enthusiastic supporter.

His strong judgment, his probity and resistless energies, had at this time so won upon the admiration of his friends, that through them he was tendered a lieutenant's commission in the regular army. Flattering as the compliment was to his ambition, and strongly as it appealed to his sense of duty to his country, there was with him a still higher duty which he owed to his fast-increasing family which forbade its acceptance.

He had felt all the distressing pangs which penury could inflict; of neglect and bitter scorn, its only heritage, from pride and wealth he had been no common recipient, and having virtuously braved them all, his soul was filled with a desire of burning intensity to attain a degree of opulence which should remove the children which were gathering around him, from not only the privations but from the frigid indifference, contempt and temptations which society bequeaths to indigence; and all the power of his iron will was concentrated upon its honorable acquisition.

In 1815 he returned to Wallingford, from whence he removed to Meriden in 1818, where he permanently established his business, and purchased the farm on which he now resides. From this time he continued gradually to increase the yearly amount of his manufactures, yet not so fast as to endanger his credit. He was among the first to engage extensively in the manufacture of japanned and ornamented tinware in this country; and while others, who were engaged in it at the same time, failed entirely, or succeeded but indifferently, he prosecuted it with complete success. Through all the revulsions by which the business of the country was entirely prostrated between the years of 1818 and 1839, he passed unaffected, except in one or two instances, where the failure of his friends for whom he had indorsed caused him slight embarrassment.

In his strict economy and industrious and persevering habits may be found the secret of his success. A useless waste, either of labor or material, had to him an appearance of criminality, which he made it a constant care to prevent. Destitute of that arrogance which success too often awakens, he knew no sympathy for those expenditures for ostentatious display which are its accompaniments.

His habits of industry have always been remarkable, and indolence in others has always been an unforgiven fault with him, and to them a sure guaranty of a loss of situation if in his employ; but faithfulness and perseverance have never lacked encouragement and assistance at his hands whenever in a condition to bestow them. A faithful discharge of every obligation has been one of his governing principles. The admonition of an elderly friend, to whom he applied for assistance in paying the first promissory note he ever gave, that, his "friends would always have money when he wished to borrow if he was punctual in the payment of it, otherwise they would always be destitute," was never forgotten. It has always been his maxim to regard his verbal as sacred as his written promise, and his care that neither was dishonored.

In 1839 he retired nominally from his business, which he left to his sons, and applied his energies, which were not in the least abated, to the improvement of his farm, which he found in the lowest state of cultivation. Here his practical judgment and untiring activity wrought an

almost magic change, and his farm, which was unsightly, and comparatively sterile, assumed an appearance of beauty and productiveness which elicited the second premium at the New-Haven County agricultural fair in 1843. Although to the present time he has steadily pursued his agricultural improvements, it has been more as a pastime than a labor, since the first few years of barrenness and stubborn resistance to his efforts were subdued, and its productiveness and susceptibility of easy cultivation established.

Incapable of rest, his mind then reverted to the business which had brought him comparative affluence, and over the financial and economical departments of which, until the present year, he has exercised a general superintendence when not entirely absorbed with official duties. Nor has he been inattentive to the improvement of the machinery necessary to its successful prosecution. Possessed of much more than ordinary mechanical genius, he has suggested improvements and made inventions which, in point of facility for the economical and rapid manufacture of the articles to which they are applied, place the establishment at the head of all its competitors.

Since his settlement in the town in which he now resides, he has, during a greater portion of the time, exercised a controlling influence in its affairs. He has held all the offices within its gift, and that of selectman repeatedly, until he declined an election. He has filled the office of justice of the peace, by appointment of the state legislature, as long as it possessed the power to appoint, during his whole residence in Meriden, scarcely ever being removed by a change of party politics; and his knowledge of common law, and his impartial judgment, may be estimated from the fact, that, of all the cases which were ever brought before him, an appeal from his decision was never carried to the county court.

An ardent advocate of progression and reform, and contending for the broadest religious and political liberty, he earnestly urged the necessity of calling the convention which remodeled the constitution of the state, and expunged many of those statutes which have been known as "blue laws."

In 1832 he was elected a member of the House of Representatives, and in 1837 he was chosen senator from the Sixth District, and in that capacity exerted his influence for the abolition of the law which imprisoned for debt. From the establishment of the Meriden Bank, in 1833 to the present time, he has held the office of director without intermission, and in 1849, much against his inclination, was chosen president, which office he resigned about six months afterwards. Modest and unambitious, he has never sought political distinction, but when urged by influential friends to accept the nomination, when success was certain, for congressional representative, he unhesitatingly declined, as he would have done had it been any other office within the people's gift, when convinced that there were others better qualified to fill it.

In his politics he has always been a consistent democrat. An ardent admirer of the principles of Jefferson and Madison, Munroe was but his second choice, and the banking principles of Adams were so entirely contrary to his own, that he was one of four who supported Jackson in his town in 1828. In the last presidential contest, he had the misfor-

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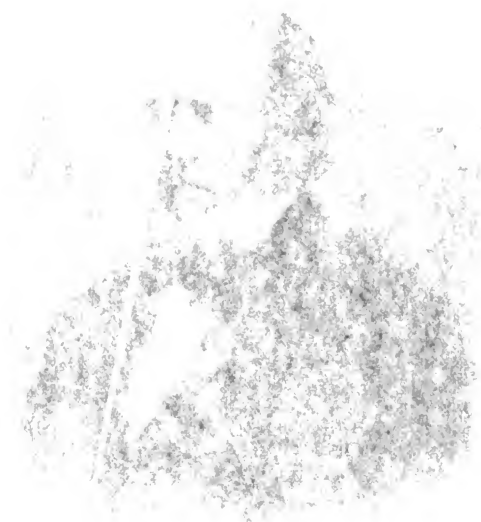
HON. OLIVER TEALL.

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Engraved for the engraver by J. H. Smith

tune to differ from many of his political friends on the question of southern



tune to differ from many of his political friends on the question of southern rights.

Noah Pomeroy is now in his 67th year, possessing, in a remarkable degree, the enjoyment of his mental and physical powers. In person he is about the medium size, with a marked countenance, expressive of decision, firmness, and intelligence. His naturally warm and benevolent impulses, which a seeming austerity of manner partially conceals, are unmasked in the presence of his intimate friends, and, without a moral blemish on his character, he lives to command the respect and esteem of a large circle of acquaintances.

CAPTAIN OLIVER TEALL,

OF SYRACUSE, NEW-YORK, PRESIDENT OF THE ONONDAGA CCUNTY BANK.

WHOEVER has known much of Syracuse must have known something of Oliver Teall. He has been a conspicuous man in this place from the time that the village first made its appearance in the Cedar Swamps, through all its stages of growth until now that it has become a thriving city, spreading its skirts upon the surrounding hills. Thirty-three years ago he was to be seen early and late, vigorously directing, as general superintendent, the repairs and improvements on the middle section of the Erie canal, extending from near the village of Rome to the village of Camillus. This brought him daily into contact with large numbers of persons, and he was extensively known for his activity, efficiency and exactness.

Subsequently, the buyers or sellers of real estate have found it convenient, if not needful, to have somewhat to do with Captain Teall, whose wise foresight of the future growth of Syracuse led him to become an owner of valuable lots in many parts of what is now the city.

Then, again, when the municipal project to introduce good water into the village was about to be abandoned to individual enterprise, he became, and was for a number of years, the almost sole proprietor of the aqueduct; and the Teall water came to be as familiarly spoken of in Syracuse as the Croton in New-York, if we may compare so small a matter with so large a one. The quality of the water, at first so named, was very poor, but the indefatigable man spared no pains until he had found and become the owner of a copious spring of a pure article, formed an able company, and introduced, by a well-made aqueduct, an abundant supply of water, which he need never be ashamed should bear his name. Every part of the construction of this valuable improvement was superintended by him personally, so that to all the inhabitants, from the least to the greatest, this public servant was familiarly known.

When the Onondaga County Bank, the first institution of the kind in Syracuse, was established, Captain Teall was elected one of its directors, and subsequently its president, in which position he still stands.

At certain hours of the day, therefore, he has been generally seen in or near the house where men having money, or needing money, are wont to congregate, and his shrewdness, foresight and incorruptible integrity have served many a man a good turn, who was at his wit's end to get out of a pecuniary embarrassment, or to make a profitable investment of some surplus gains.

The cause of education in Syracuse, too, acknowledges him to have been one of its earliest and most earnest promoters. Travelers, who pass over the rail-road by daylight, can hardly fail to notice an unduly tall brick building at the end of Syracuse from the east. If benevolent, they will rejoice to learn that it is now an asylum for orphan children, and children worse off than orphans; an institution well endowed, and sustained by the united, cordial co-operation of all the protestant sects in the city, giving a comfortable home and an excellent discipline to a hundred destitute little ones. But, if they inquire into its history, they will be informed, that it was not originally intended for the charitable purpose to which it is now put. It was erected, about fifteen years ago, by Captain Teall, Aaron Burt, Esq., Hon. Harvey Baldwin, and others, for an academy, and was so used for a dozen years; but, being located too far from what subsequently became the centre of the city, to be convenient as a day-school, and yet too near to be resorted to as a boarding-school, it languished, notwithstanding the exertions of its three principal patrons; and about five years ago became the property of the Onondaga Asylum. It is, however, still a monument to the enterprise of Captain Teall and his associates, and of their zeal in the cause of education.

But it has not been merely as a man of business and thrift that the subject of this memoir has been principally known to his fellow-citizens and heard of throughout the state. He was one of the earliest and has been of the most steadfast friends of the *Temperance Reform*. His name will go down to posterity as the untiring fellow-laborer of E. C. Delavan, and Gerrit Smith, and Herman Camp, and Charles A. Wheaton, and Chancellor Walworth, and other pioneers in this great enterprise. His labors have not been most conspicuous, however, at *public meetings*. Although a frequent attendant at them, he has always been a diligent laborer at home and throughout his immediate neighborhood. He has not contented himself with recommending to others a disagreeable and laborious duty. Were pledges to be obtained or memorials to the legislature to be circulated for signatures, Captain Teall has been ever ready to present them to his neighbors and townsmen, and press them upon their favorable regards. There is not a person, probably, who has been resident in Syracuse a year, that does not know that Oliver Teall is an uncompromising total abstinence man; and few who have not heard this vital principle of temperance advocated by him.

His abstinence, however, reaches farther than to intoxicating liquors. He would include in his proscription whatever articles of food or habits of living are known to be prejudicial to the health, or mental, or moral, vigor of man. He has canvassed Syracuse in person, and appealed to thousands of its inhabitants to dissuade them from *the use of tobacco*. It may be too true that his unwearied exertions have made but little visible impression upon those who were addicted to this nauseous weed;

but very many, through his influence, are rejoicing in their exemption from the offensive habit. He would never concede that reason and conscience, and health, and purity, should be subjugated to appetite. But he has insisted, with a distinctness, pertinacity, and earnestness, which have evinced his deep sincerity, and commanded the respect of many who have not yielded to his appeals, that it is a sin to violate any of the laws of life and health, laws instituted by Almighty God, as plainly as those that were proclaimed by Moses from Mount Sinai. This great doctrine he has inculcated wherever he could get ears to hear it, and has enforced it by a life eminently consistent, and by the manifestation in his own person of a degree of health, vigor, and power of endurance, seldom seen in a man of his years.

Although the temperance cause has received so much attention from Captain Teall, and has made such large demands upon his time and his purse, he has also entered with zeal into other important reforms.

He early engaged, in opposition to the law, by which debtors might be incarcerated like felons, nor did he cease from his efforts until that law was repealed. In the height of the controversy on that reform he was one of a number who went to the Onondaga county jail, paid the jailor's demands against all the debtors in his custody, threw open the prison doors, and led them forth into the light and air of freedom, of which misfortune ought never to deprive a man.

He was also untiring in his efforts to procure the passage of the homestead exemption law. Nor has he yet relinquished his labors on that behalf, believing, as he does, that a still larger amount of property should be ensured to the families of men against the contingencies of trade, as well as the rapacity of hard-hearted creditors.

To mention but one more of the objects of benevolence, to which he has addressed himself, the law authorizing married females to hold property independently of their husbands, was, in its very inception, duly appreciated by Captain Teall, and warmly advocated. This is an important step in the restoration of women to that condition of equality in which they were originally created, and to which they have an unalienable right.

Now, whoever knows anything of the origin of human laws, will acknowledge that we are much more indebted for our social improvements to the wisdom, benevolence, and exertions, of private citizens, than we are to the final action of legislators, who tardily follow where the leaders of public opinion draw them, and, at last, merely give a governmental sanction to what has already become the known will of the sovereign people. Captain Teall has been, in fact, for the last thirty years, one of the law-makers of this state. Some of the best laws that have been put upon our statute-book, within that time, have been enacted by the influence that he, and men like him, have exerted upon the public mind.

It will, therefore, be interesting to our readers to know some of the principal facts of his personal history—what was his parentage—what the circumstances and discipline of his youth—by what influences his character was formed, and those mental and moral properties were developed, that have made him so useful in his day and his generation. It will be particularly instructive and encouraging, to young men of

limited means and few literary advantages, to be informed that Captain Teall has qualified himself for great usefulness in society by the force of good common sense, fidelity to every obligation, and the fearless avowal of whatever he has believed to be true and right.

Oliver Teall was born August 5, 1788, in the town of Killingsworth, Conn. His great-grandfather came from Holland, and settled in this country, a number of years previous to the Revolution. His father, with four brothers, served their country in the war for American independence, in all, nearly six years each. Eighteen months of his term his father spent as a prisoner, having been captured at Horse Neck, at the time when General Putnam made his almost miraculous escape.

Soon after the close of the war his father, Dr. Timothy Teall, resumed his profession, and, about 1791, removed with his wife (whose maiden name was Phoebe Hull) and several children from Killingsworth into the town of Manlius, Onondaga county. He was one of the first settlers in this region. Being poor, he purchased a farm on credit. It was a tract of military land, and he was put to no little trouble and expense to get a good title to it. He pursued his medical profession until called into public life. He served many years as a magistrate and a deputy-sheriff, and transacted a great deal of business for his fellow-citizens, in various capacities. Shortly after their removal into Manlius, Mrs. Teall died, leaving her husband with six children, four daughters and two sons. Oliver, the subject of this biography, was then but about four years of age. The oldest child was a daughter, of but twelve years, and upon her devolved the principal charge of the family, much of the time, too, in the absence of their father.

Oliver, so soon as he was able, was put to work upon the farm, much of it then being yet unreclaimed from the woods. And there he continued to toil until he was 17 or 18 years old, when he was allowed to deal for himself, with the understanding that he was to work on the farm when not otherwise employed. His facilities for acquiring literary information all this while were, of course, very slender. He has been heard to say that all his schooling did not amount to more than one year at a common district school. Yet, so soon as he had been taught to read, he began to occupy his little leisure time in the perusal of such books as were within his reach. Often did he pursue his studies by fire or torch light, until, at about the age of 20, he was thought to be qualified to be a teacher. Instructing others is the most profitable mental and moral discipline to one who undertakes the task with the determination to be faithful. While thus engaged, and during the winter months of several years, before and after, Mr. Teall himself made very rapid improvement. About this time he read several of his father's medical works, thinking that he might, at a future day, become a physician. Afterwards he read Blackstone's Commentaries, not knowing but his preference would be for the law. Before, however, he was twenty years of age, he concluded to take his chance in the world without any particular profession.

He soon after engaged in various branches of business. For a while he conducted a limekiln, laboring at it himself very hard. Then he

entered into partnership in the tanning, currying and shoemaking business. Afterwards he engaged in iron smithing, in its various branches. Thus he acquired a great deal of practical information in a variety of useful arts, which has been of inestimable value to him in subsequent life.

Habits of economy were commenced in him almost as soon as his habits of industry. When quite a boy, he had earned twelve shillings, and that small sum (which was then a great one to him) he put out to interest at 7 per cent. This was the beginning of his financial operations, a suitable prelude to that course, which has led him to become the president of a bank, and the head of several large pecuniary investments.

At an early period of life, Capt. Teall commenced his speculations in real estate, the buying of water-powers, erecting mills, carrying them on a while, and, when he had made them valuable, selling them to advantage. The experience which he gained in these transactions, qualified him for an enterprise which, in the event, greatly enhanced his property, and made him more than ever known and respected by the business-men of this part of our empire state. In 1818 he took what was then a large contract on the middle section of the Erie Canal. The whole work was an experiment. Many persons in the state were utterly incredulous of its success. The amount involved in the job he had taken was much larger than he had ever before attempted to manage. Laborers were not so easily obtained then as now. Difficulties sprang up thickly in his way. He became alarmed at the undertaking, and offered the canal commissioners \$500 to release him from his contract. They utterly refused to do so. This roused all his energies. He addressed himself to the work with a determination that few could command. He accomplished it some time before the day specified; and disclosed those qualities, that were so appreciated by the commissioners, that, at the completion of the middle section of the canal, he was appointed superintendent of a portion of it, and served in that capacity for six years. Here he was called upon to direct important improvements and repairs, and to expend very large sums of money. The thoroughness of the work done under his supervision, and the accuracy of his accounts, inspired all who were cognizant of his skill and fidelity with the highest confidence.

It was during this period that he invented the machine, called "The Under-water Excavator," for deepening canals. It answered the purpose well, and he obtained a patent for it.

But it was at a still earlier date that he embraced a principle, which, could it be universally adopted by the people from Albany to Buffalo, would be an incomparably greater blessing to the state and the country, than this far-famed canal has been. In 1819 Capt. Teall followed the then almost universal custom of furnishing ardent spirits to his workmen, and of drinking with them himself. It so happened, that when erecting a grist-mill in the town of Sullivan, his foreman had hired a man somewhat famous in that neighborhood as a hard-drinker. This annoyed Mr. Teall. He was willing to drink with decent men, but to join in his potations with a drunkard, was mortifying to his self-respect. Probably some words to that effect dropped from his lips, which were

reported to the new-comer. For, the next day, when the captain had drank himself, and, as usual, passed the bottle to his workmen, all partook, excepting only the man at whom he had taken offence. The reputed inebriate utterly refused the tempting draught. Though urged, he would not be induced to taste it. This unexpected occurrence awakened in the captain's mind a train of reflections, which led to the determination that he would never again be instrumental to the seduction of sober men, or the temptation of those whom the sin of intemperance most easily beset. He at once renounced the use of distilled spirits, and shortly after intoxicating drinks of every description. To the resolution then formed he has adhered without deviation to the present day.

His early studies of the laws of life and health, already referred to, disposed him the more readily to refrain from an indulgence which the slightest observation is sufficient to show is most prejudicial to the physical, mental, and moral welfare of man. For the same reason, Mr. Teall abstained from the use of tobacco. Subsequent observation and thought have led him to abandon the use of tea and coffee, and, since 1840, of flesh, fish and fowl. In these respects, many regard him as abstemious overmuch; and are willing to believe that he has rejected what the divine Author of all intended for the food of man, and what therefore cannot be rejected without injury. But the subject of our memoir is surely one living witness against all the common assumptions on this point. He is daily before us, at the age of sixty-four, in the enjoyment of perfect health, free from every kind of ache or pain, able to endure as much bodily exertion as any man in the city, and to expose himself with impunity to all kinds of weather, seldom if ever wearing an outer garment. He has not lost a day by sickness, nor expended a shilling in the purchase of medicine for many years. Indeed he has come to consider sickness *prima facie* evidence of some moral obliquity. "How is your health?" we said to him one morning. "Very good," was his reply; "what think you I have been doing, that I should be sick?"

But with all his physical hardihood, and his indomitable energy and perseverance, though he has never been known to relinquish a purpose he had determined to accomplish, Capt. Teall has always manifested a peaceable and friendly spirit. So averse to litigation has he ever been, that, notwithstanding the magnitude of his business transactions, and the great number and variety of persons he has dealt with, he has never in his life had a contested lawsuit. In the settlement of his father's estate, he left it to be divided by his brother and sisters as they might see best. And in all his intercourse with men, at the same time that he has been noted for shrewdness, he has been uniformly fair and honorable.

In 1809 Capt. Teall married Catherine Walter, a farmer's daughter, in the town of Manlius. She was frugal, industrious, gentle, distinguished for her general benevolence, and for her untiring devotion to her family. She died September 30, 1836. By her he had five children, two sons and three daughters. The eldest son was educated at West Point Academy, and has since deceased. His other children are settled respectably, near him.

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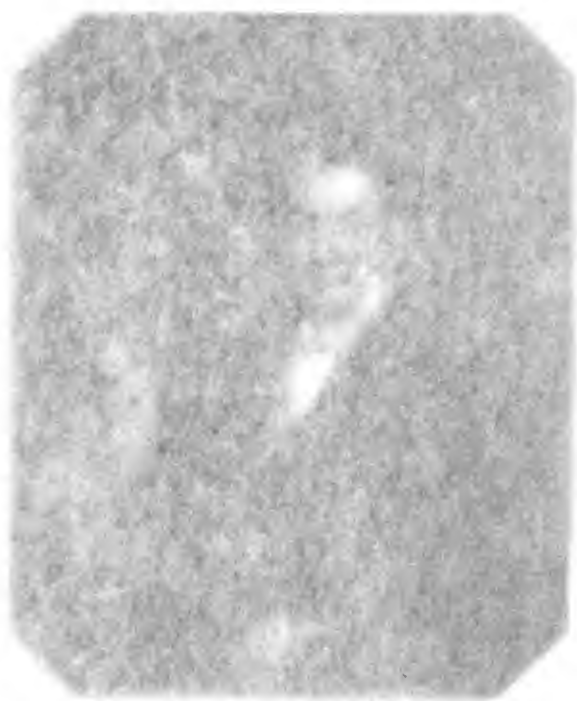
Luther Burdett

DEPT. OF THE ARMY, WASHINGTON, D. C.

and the Burdett family, New York, N. Y.

From A. A. Smith's residence he purchased a farm in Manlius, and erected

THE C. C. C. C.



Soon after his marriage, he purchased a farm in Manlius, and erected a commodious stone-house, which he expected would be his dwelling-place so long as he should live on earth. But on his appointment to a superintendency upon the Erie Canal, he removed to that part of Syracuse which is called Lodi, purchased of the state the right to the surplus waters of the west end of the Rome level, and erected mills, which for a number of years he managed in addition to his public business.

Thus he became an inhabitant of this place in its infancy. He has grown with its growth, and strengthened with its strength; and he is now highly respected as one of the conscript fathers of Syracuse.

HON. LUTHER BADGER,

OF BROOME COUNTY, NEW-YORK.

PRaise is always due to merit, and especially where merit is the product of unassisted toil and perseverance. The "self-made man" commands our highest respect. Those struggles, by means of which he has risen from obscurity to honorable distinction, cannot fail to enlist our sympathy and call forth our warmest applause.

The annals of our country furnish many bright examples of this kind, and among them the subject of this sketch occupies a conspicuous place.

Luther Badger was born April 10th, 1785, in Patridgefield, (now the town of Peru,) Berkshire county, Massachusetts.

His father, Lemuel Badger, was a volunteer in the Revolutionary contest which separated us from the mother country, and bore a commission under Gen. Montgomery in the invasion of Canada. In the fall of 1786, while Luther was yet an infant, the family emigrated to what was at that time considered the "far west," and settled on the Susquehanna River, in Broome county, New-York.

That whole tract of country, now so densely populated, and justly regarded as one of the finest agricultural sections of the state, was then an unbroken wilderness, where the whoop of the Indian, the scream of the panther, and the howl of the wolf, were sounds much more familiar than the voice of civilized man.

There, amid the wild scenes of nature in her primeval dress, subject to the inconveniences, privations and hardships inseparably connected with life in the new settlements, Luther Badger grew up to manhood.

Few boys thus reared would have had the courage to face the difficulties that must of necessity stand in the way of literary pursuits. Very few thus situated, with no means for acquiring an education but such as they were able to procure by their own industry, would ever have attempted to scale the lofty barriers that surround the learned professions, to gain a place at the bar.

But with an insatiable thirst for knowledge, noble ambition, and a firm determination to rise in the world, Luther Badger looked out from the deep forests, in the shades of which he had been nurtured, and resolved that nothing short of absolute impossibilities should prevent him from occupying a commanding position in society.*

By making the best use of his scanty opportunities, he succeeded in gaining such an acquaintance with the common branches of an English education as at the age of nineteen to enter the Hamilton and Oneida Academy, (now Hamilton College,) where he pursued his studies two years, though some portion of this time he was out of the institution engaged in teaching a common school.

In 1807 he commenced the study of law under the tuition of William Eager, Esq., in Manlius, Onondaga county, New-York, and three years afterward entered the law office of Randall and Wattles, in New-Hartford, Oneida county.

At the May term of the Supreme Court, in 1812, he was admitted to the bar.

The examination on this occasion, which was conducted by Judge Van Ness, was uncommonly strict and critical; but Mr. Badger acquitted himself so well throughout, as to gain the admiration of the class and the respect of all present.

He now returned to Manlius, the place where he commenced his studies, and opened an office. There he practised twelve years with large and constantly increasing success. But though gifted with a naturally strong constitution, his close and intense application to the duties of his profession so impaired his health, that he was compelled to retire from practice, which he did not resume until 1832.

In 1824, soon after he had retired from business, he was elected by the people of Onondaga, and represented them in the 19th Congress, though he was not connected with the strongest political party in that district.

Mr. Badger is above the middle size, and uniting with dignified manners a correct taste, he was fitted to adorn any circle in which he was called to move. Add to this his undoubted integrity of character and fidelity to all his business engagements, and it will not appear at all strange that many trusts, both civil and military, should have been committed to his keeping.

He was, in 1809, attached to the staff of Colonel Thaddeus M. Wood as serjeant-major, and three years afterward was appointed quarter-

* Mr. Badger, in speaking of this period of his life says, that he used often, when a boy, to ascend a bold promontory or cliff that was situated in the rear of his father's residence, and seating himself where he had an extensive view of the Susquehanna valley and the surrounding hills, covered with dense forests, unbroken, as yet, except at a few points, by the axe of the settlers, he used to muse and speculate for hours together as to what would be the ultimate fate of this region, and what was now the condition of other sections of country. Would these forests ever be cleared away? Would these hills ever be cultivated? What must be the principal differences between this and other and older settlements? And, said he, "I determined that I would know something about the world, and if there was a better country I would try to find it." This was while he had never seen any other section than that in which he lived.

master by Governor Tompkins. He was several times called out with his regiment to Oswego, Smith's Mills, and other points along the lines, in the last war with Great Britain, but was not in any engagement.

In 1819, Mr. Wood having been raised to the rank of brigadier-general, made Mr. Badger his aid-de-camp, and the next year Governor Clinton appointed him judge-advocate for the twenty-seventh brigade of infantry of the State of New-York. This last office he held eight years, and then resigned it, and retired from military service.

During several years Mr. Badger was engaged in the mercantile business, but in that calling he was by no means successful.

In 1832 he returned to the county of Broome, and resumed the practice of law, which he has since continued.

Of his success as a lawyer, neither himself nor his friends have reason to complain or be ashamed. In the course of his business he has had the management of many important suits in the Supreme Court, in the Court of Chancery, and in the United States Courts, which he has almost invariably managed to the satisfaction of his clients, seldom failing to secure their rights.

On one occasion, while practising in Onondaga, he was called to defend a strongly-contested suit in Oswego. The opposing counsel were several of the most distinguished members of the legal profession in the state, among whom was General Wood.

Mr. Badger, in his defence, displayed so much ability, and such mature acquaintance with the system of American jurisprudence, that he was strongly solicited by several of the most prominent citizens of Oswego to settle in their village, and to accept of the office of first judge of that county; but his engagements at the time were such as prevented him from complying with their request.

The circumstances of his admission to the Court of Chancery as a solicitor, which took place in 1819, are somewhat amusing. Being in Albany, he concluded to call and ask admission to practise in that court. He did so, and was ushered by a servant into the chancellor's room. Mr. Kent was seated behind a table, at the further end of the room, writing, with his face turned towards the door through which Mr. Badger entered. But he did not stop writing, or look up, until Mr. Badger reached the middle of the room, when he arose from his chair, and the following dialogue occurred:

Chancellor Kent.—"How do you do, sir? how do you do, sir? What is your name?"

Mr. B.—"Luther Badger."

Chan.—"Where do you live?"

Mr. B.—"In Onondaga."

Chan.—"You belong to the learned profession, do you not?"

Mr. B.—"I do."

Chan.—"Well, you have come to be admitted to my court?"

Mr. B.—"That is the object for which I have called."

Chan.—"Well, what do you know about chancery?"

Mr. B.—"I confess that I know but little about it."

Chan.—"Well, how then do you expect to be admitted? What have you to show?"

Mr. B.—"I have an attorney's license."

Chan.—"Let me see it? [taking it, and eyeing it a moment.] Yes; James Kent—James Kent; I signed that. Have you anything else?"

Mr. B.—"I have a counselor's license." (Producing it.)

Chan.—"Smith Thompson—Smith Thompson. Yes; that is his handwriting—I know his signature. Have you anything else?"

Mr. B.—"Not anything."

Chan.—"Were you ever thrown over the bar?"

Mr. B.—"Not that I know of."

Chan.—"Well, suppose that I should admit you as a solicitor, and that a man were to come to you and wish to commence a suit in chancery, what would you do?—what is the first thing? How would you commence?"

Mr. B.—"I would sit down and draw a bill, and copy it, and file a copy in the office of the clerk of chancery, and then issue a subpoena, and cite the party against whom the suit was commenced to appear and answer to it."

Chan.—"That is right—that is right; that is exactly the way to commence a suit in chancery. I will admit you. You go down to Gould's book-store, and get you a blank solicitor's license, and then call on my brother, Moss, who is register, and request him to come down with you to my office, and I will admit you."

All this time the chancellor remained standing behind his table, and Mr. B. in the middle of the room. The incident brings out some of the peculiar characteristics of both men.

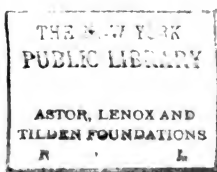
Three years later he was admitted as counselor, and in 1840 was appointed by the Senate of the State of New-York an examiner in chancery, on the recommendation of Governor Seward.

He was admitted to practice in the United States courts in 1826, while he was member of Congress.

In 1840 he was appointed Commissioner of United States Loans, which office he held three years. He afterward practised as proctor, solicitor, counselor, and advocate, in the United States Courts of the Northern District of New-York. The people of Broome county, in 1846, gave an expression of their confidence in Mr. Badger by electing him to the office of district attorney for that county. He resigned the office in the fall of 1849.

In politics Mr. Badger is a staunch and decided whig, and on every suitable occasion is ready to defend and advocate the principles and measures of his party. He is a man who keeps up with the times. Familiar not only with the leading papers that are the acknowledged organs of the whig party in this state, but to a considerable extent also with the current literature of the day, Mr. Badger is able to take a comprehensive view of the affairs of our country, and to form conclusions more just and reliable than most men are competent to do. Among those who are best acquainted with him, his opinions are always received with respect, and the results generally show that the confidence reposed in them is not misplaced.

Mr. Badger was married, in 1811, to a daughter of Mr. John Wells, of East Hartford, Conn. Mrs. Badger died in 1845, and he subsequently married Mrs. Betsey D. Avery, daughter of the Hon. Davis Dimmock, of Montrose, Pa. Judge Dimmock and his family are well known to





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Your Oble.
Henry H. Fuller.

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the public. He has, during many years, both before and since he was raised to the bench, been a very successful and highly-respected minister of the gospel belonging to the Baptist denomination, and though becoming somewhat superannuated, still continues to preach. His daughter, the widow Avery, was, when married to Mr. Badger, a member of the same church with her father, and Mr. Badger has since associated himself with that denomination.

Since his union with the Baptist Church, he has made liberal use of his property for the support of the various benevolent institutions maintained by the denomination, as well as to sustain the ministry in the church and congregation of which he is a member. At his house, those who were laboring to promote the cause of religious ministers and agents, have often found a welcome and a home. His benevolence has not been confined within denominational limits. Being a man of strong feelings, and easily moved to the feet have been ready to respond to the calls of the needy and suffering, and willing to lend a helping hand to all worthy recipients of aid. He is connected with his church.

HENRY H. TORRES *Ph.D.*

This subject of the following paper, namely, Ebenezer Fuller, was born in Princeton, Massachusetts, on the 22d of 1790, and was the third son of the Rev. Timothy Fuller, who had earlier settled in that town. His father, although a clergyman, was also a New England clergyman of that day, in our age, another, twice, was also a farmer. His parents were brought up by some of the sons of other farmers, about him, to engage in all the labors of the homestead. Having relinquished his ministerial labors with his parish some years previously, he removed from Princeton to Manchester, in New Hampshire, in 1806, where he died in 1840.

Up to this period of his father's death, the son spent his life on the farm at Muddybrook. Taught at the same age as other young men of his father's generation, he was called upon to become a farmer and to carry on the family work and traditions. He had no other education, and his only recollections consisted in a preference for the study of the Bible and an education in manual labor and agriculture. He was a simple, honest, and hardy man, and his father's death was a great loss to him.



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the public. He has, during many years, both before and since he was raised to the bench, been a very successful and highly-respected minister of the gospel belonging to the Baptist denomination, and, though becoming somewhat superannuated, still continues to preach. His daughter, the widow Avery, was, when married to Mr. Badger, a member of the same church with her father, and Mr. Badger has since connected himself with that denomination.

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HENRY H. FULLER, ESQUIRE,

OF BOSTON, MASSACHUSETTS.

THE subject of the following notice, Henry Holton Fuller, was born in Princeton, Massachusetts, on the first of July, 1790, and was the third son of the Rev. Timothy Fuller, the first minister settled in that town. His father, although a clergyman, like most New-England clergymen of that day, in our agricultural towns, was also a farmer. He accordingly brought up his sons, like those of other farmers about him, to engage in all the labors of the homestead. Having relinquished his ministerial relations with his parish some years previously, he removed from Princeton to Merrimack, in New-Hampshire, in 1796, where he died in 1805.

Up to the period of his father's death, the son spent his life upon the farm at Merrimack. Left at the early age of fifteen years, without father or patrimony, he was called upon to decide for himself as to his future course and profession. He had no difficulty in making this decision, so far as his inclinations were concerned, having from his earliest recollections conceived a preference for the law, and a desire for such an education as would best prepare him for that profession. The death of his father rendered it doubtful if the son's preferences could be grati-

NOTE.—Timothy Fuller was the third in descent from Thomas Fuller, who joined the Massachusetts colony at Charlestown, in 1638. He was one of the thirty-two persons who founded the town of Woburn, in 1640, under the lead of the famous poet and historian, Edward Johnson. He afterwards settled at Mills Hill, then Salem Village, now Middleton.—See *Frothingham's Hist. Charlestown*, pp. 106, 107.

fied. His anxiety was, however, soon relieved by the kindness of his oldest brother, then recently admitted to the practice of the law in Boston, and who generously offered to furnish him the means of obtaining a collegiate and professional education. Accepting this proposal, Mr. Fuller still continued to be employed upon his mother's farm until December, 1806, when he commenced preparing for admission to the university. His father had never permitted any of his sons to attend the public schools or academies, preferring to teach them himself at home. Having thus far received only parental instruction, Mr. Fuller resolved to *fit himself* for college, studying at home, and taking occasionally a lesson from the minister of his town, who lived a few miles distant. He began with the Latin grammar, in eight months went through the Latin and Greek classics and other studies required for admission, and was received into the freshman class of Harvard University at Cambridge in the autumn of 1807.

Although self-instruction has some advantages, in the intellectual strength and acumen it gives, it has also numerous disadvantages. These latter Mr. Fuller experienced, to some extent, in joining his college class. He could ascertain the meaning of an author not before studied, and pursue a new branch of study with more certainty and confidence than those accustomed to the assistance of a teacher. But in the grace and ease of rendering the classics, in the pronunciation of the languages, and in composition and elocution, he found himself far behind those who had been trained at the Latin school in Boston, or at other prominent institutions, where young men were then prepared for college. These, however, were defects which diligence and effort could cure, and such the ambition and earnestness of him, who now felt them, would not permit long to exist. To remedy them, he passed the winter vacation, of seven weeks, which commenced at the close of his first term in college, with Dr. Joshua Bates, then a clergyman in Dedham, Massachusetts, afterwards president of Middlebury College. During these few weeks, he applied himself to the study of Latin and Greek authors, not required of his class, desiring to supply, as far as could be done in so short a space, the deficiencies of his previous preparation.

Mr. Fuller graduated in 1811. Of his college course it is enough to say, that he took the second honor and place in a class eminent for the number of its distinguished men. Among these may be named, Hon. Edward Everett, Hon. Ebenezer Lane, the late Chief Justice of the Supreme Court of Ohio, Benjamin F. Dunkin, present Chancellor of South Carolina, Rev. Drs. Samuel Gillman, Nathaniel L. Frothingham and Joseph Allen. This list might be still further extended, and embraces several in the foremost rank of their respective professions in their different localities.

Immediately upon his graduation from college, Mr. Fuller went to Exeter, New-Hampshire, where he passed a year, as assistant-teacher in the academy, then under the charge of the late Dr. Benjamin Abbott, as principal. At that time, Exeter was the Athens of New-Hampshire, and the residence of a galaxy of distinguished men of the old school of politics and law. Amongst these were the late Governor and Chief Justice, Jeremiah Smith, Judge Oliver Peabody, George Sullivan, one

of the most accomplished advocates and men of the Granite state, Governor John Taylor Gilman, and many others well known in the history of their own commonwealth.

Mr. Fuller enjoyed and appreciated the society in which he was here introduced, and doubtless some of the political opinions, to which he has steadfastly adhered, received bias and strength, if they did not derive their origin, from the social intercourse of this period of his life.

Upon leaving Exeter, in September, 1813, Mr. Fuller became a student at the law school, under the charge of Judge Tappen Reeve and Judge James Gould, at Litchfield, Ct., which at that time was the only institution of the kind in the United States. The idea of such a school was then new in this country. As soon as Mr. Fuller ascertained its existence, he determined to avail himself of its facilities. He entered it at a most interesting and exciting period of our history, and found himself a fellow-student with large numbers of young men from nearly every state in the Union, bringing with them all shades and varieties of opinion prevailing in their respective localities. He had hitherto had comparatively little intercourse with the world. He had passed from the quiet of his youthful home to the seclusion of an assiduous college-life. The leisure hours of his twelve months at Exeter found him in the midst of a refined and intelligent society, but, in its predominant influences, representing one class of opinions only. There is a vast difference, too, in the effect upon the mind, between an association with those to whose sentiments age and eminence impart an authority, and with those of our own age and standing, who as equals bring to our notice and discussion all the diversities of sentiment and feeling of the time.

The tendency of the one is to the quiet reception of opinions upon trust; of the other to induce thought and independence. At Litchfield, Mr. Fuller enjoyed a more favorable position for enlarging and liberalizing his views and sentiments than he had had before, and he has never failed to appreciate and acknowledge the beneficial results which his sagacity anticipated. These and other benefits have now so established law schools as a necessity, that we hardly realize they were so recently an experiment.

It had been Mr. Fuller's design to make the State of New-York his professional home, when he should commence practice. With this view, after remaining at the school in Litchfield one year, he went to Albany in September, 1813, and became a student in the office of Messrs. Bleecker and Sedgwick, a distinguished law firm in that city. At that time the English forms of pleading and practice were retained in the New-York courts, and they contrasted so unpleasantly with the simplicity of the pleadings and practice in Massachusetts, as to be quite distasteful to Mr. Fuller. Such forms required much manual, but little intellectual labor, and to a young man, seeking an intellectual profession, they were uninteresting and irksome. Mr. Fuller was, however, induced to abandon his purpose of settling in New-York by other considerations. His oldest brother, Timothy, to whom we have before alluded, proposed to him to come to Boston, finish his studies.

and become a partner with him. The elder Fuller* was then in full and large practice in the counties of Middlesex and Suffolk, and this offer, both favorable and flattering, was accepted.

Having completed his studies in his brother's office, Mr. Fuller was admitted to practice, September 19th, 1815, and then became a partner with his brother in professional business.

Thus called at once into full practice, he had less time for professional and other studies than he would have desired. But this had its compensation in a speedy familiarity with, and knowledge of practice, and the acquisition of large experience in the trial and management of causes before juries and judges.

The first case tried by Mr. Fuller was one of some interest. It arose out of a mercantile adventure to the West Indies, entered into immediately after the war of 1812. It was tried before that eminent statesman and orator, the late Harrison Gray Otis, then holding the office of Judge of the Boston Court of Common Pleas, and at the same time a senator in Congress. Mr. Fuller was counsel for the plaintiff, and his opponent was the late professor of rhetoric and oratory in Harvard College, some years his senior in the profession. The natural embarrassments of a young counselor, trying his first case, were felt more than they were manifested by him, but they did not prevent his success. A verdict satisfactory to his client was obtained.

From that time to the present, Mr. Fuller may be said to have been in full and lucrative practice. The election of his brother to Congress, as the representative of the Middlesex district, in 1818, devolved the whole business of the partnership upon the junior member of the firm, for a considerable portion of the year, which continued to be the case till his dissolution with his brother in 1823.

This called him at once to the performance of a large amount of professional labor, and developed the extent of his powers and acquisitions. He had not the slow and useful training of most young lawyers, struggling unaided into the practice of a crowded profession, but he distinguished himself by a rapid acquisition of professional experience and skill in the transaction of business, in and out of court. Well versed in the elements of law, with a quick and clear apprehension, he found no difficulty in sustaining and advancing his position at the bar. Self-reliant, cautious and persevering, as well as patiently laborious, his cases were prepared and tried in a manner to secure the confidence of clients and commendations of courts. At the close of the first ten years of his practice probably Mr. Fuller had tried as many and varied cases as any lawyer of his age in the state. His business was then, and has ever been, mostly in the civil courts, although he has tried many causes in the criminal tribunals, and is well read in the principles of law there administered. He was a thorough master of the principles and technicalities of that great system of special pleading, then in full vigor, but now obsolete in Massachusetts, except in the federal courts. Rarely did his clients suffer in the practice of this system in

* Father of the late Margaret Fuller Ossoli, whose melancholy fate, off Fire Island, on board the bark *Elizabeth*, with her husband and child, will be remembered by our readers.

his hands. His business was not only large in the Boston courts, but then and since was extensive in the adjoining populous and active county of Middlesex, which, after Suffolk, probably furnishes the largest law business of any county in the state.

Mr. Fuller's ambition has ever been in the line of his profession, and to this he has assiduously devoted himself, allowing nothing to turn him from its practice. He has, however, always held and maintained decided views upon the political questions of his time, and exerted an extended influence upon parties in the commonwealth. Seeking no office himself, sharing largely the confidence of his political associates, he had great tact and skill in party management, and in directing the right measures and men for success. Latterly he has retired from this field, but those whose recollection goes back a quarter of a century well know that few men now living at one time exerted more influence in his own party in Boston and the state than Mr. Fuller.

Mr. Fuller was a federalist, and, in 1824, a warm supporter of Mr. Crawford for president against John Quincy Adams. In that year he was elected a representative in the state legislature from Boston. At that session the question of incorporating the college at Amherst came up. Mr. Fuller distinguished himself in opposition to this measure, and, by his speeches and efforts, made himself many friends, as well as many opponents. The matter assumed rather the aspect of religious controversy between the friends of the college and the supporters of what are termed liberal views. Mr. Fuller himself was and is a devoted and active Unitarian.

In 1825 the effort, which was finally successful, to unite the federalists and democrats as one party in the commonwealth, was made. Mr. Fuller took a very active and decided part for this union, on the federal side, and carried it in their caucus against the strenuous efforts of some of the most able and distinguished members of the party. That year he was again run for representative upon the amalgamation ticket, and lost his election in Boston, although Governor Lincoln was their first elected governor on the same ticket in the state, and Mr. Fuller's brother, Timothy, a representative from Cambridge, chosen by the same party, was made speaker of the house. Although defeated in part in Boston, the ticket was successful in the state, and a consolidated party formed, which held the political power of the commonwealth uninterruptedly for fifteen years, and with two transient exceptions, until 1851.

In 1828 Mr. Fuller was again elected a representative from Boston, and was chairman of the committee on Probate and Chancery, the second committee in rank in the house, until the Hon. Francis Baylies, then appointed a foreign minister, resigned the place of chairman of the committee on the Judiciary, the first and most important committee, when Mr. Fuller succeeded him in that position.

In 1832 he was again elected a representative, and was again chairman of the committee on the Judiciary. After this, his health became somewhat enfeebled, and hardly adequate to the demands of his business, and he declined all further solicitations or nominations tendered for a seat in the legislature, until 1850 and '51, in both of which years some radical changes in the rules and practice of law being contemplated, Mr

Fuller was induced to be again a candidate, and was elected, and is now a member of the House of Representatives. In both these years the whig party, with which Mr. Fuller acts, was in the minority.

In 1832 Mr. Fuller, aided only nominally by two individuals, projected and established the Boston Atlas newspaper, now the leading whig journal of New-England, and procured the late Richard Haughton as its editor. Mr Fuller continued interested in this paper till 1835, when, it having become well established, his pecuniary interest in it ceased.

In 1826, Mr. Fuller was married to Mary Buckminster Stone, daughter of the late Daniel Stone, of Framingham.

Mr. Fuller, from the first, has taken great interest in the cause of internal improvement in Massachusetts. He enlisted only in favor of rail-roads, and gave them his earnest, efficient, and constant support, in their darkest days. The first charter for a rail-road in this state, after the short quarry road at Quincy, was drawn by him.

Of the area composing Boston proper, more than one half has been reclaimed from the sea. A large portion of this reclaimed land is included in what is termed the South Cove, and has been filled up by a company incorporated for that purpose. It is now thickly covered with rail-road stations, churches, warehouses, and dwellings. Its reclamation has added millions of dollars to the taxable property of the city, and most essentially advanced the prosperity and wealth of the citizens. Mr. Fuller was among the leading and active promoters of this enterprise, and perseveringly gave it his time, energies, and influence.

The energies of Mr. Fuller have, however, been mostly directed steadily to the practice of his profession, when his taste and his feelings inclined him. In this he has enjoyed from the first an extended and lucrative business, in all its departments, although from his liberal expenditures, and some unfortunate investments, that too general *misfortune of lawyers*, he has not probably accumulated, or at least retained means sufficient to enable him to quit entirely his devotion to the law, did his wishes incline him so to do. His practice has been large and important in both the state and federal courts in Boston, and the adjoining county of Middlesex, and has occasionally extended to the bars of other counties of the commonwealth. He is still in the same active business.

For a period of more than thirty years Mr. Fuller may be said to have been in full practice in all the courts at the Suffolk bar. It is no derogation to any section of our country to say that this bar, during that period, has in no respect been surpassed by that of any portion of the United States. Among its eminent and brilliant leaders, in the earlier and later portions of that time, were, or are: Otis, Sullivan, Gorham, the Dexters, father and son; the Judge Hubbard, the present Chief Justice Shaw, and Judges Fletcher, Curtis, and Sprague, Choate, Loring, C. P. Curtis, Bartlett, Rand, Professor Greenleaf, and pre-eminent over all, he whose world-wide and peerless fame as a statesman alone obscures his position as the leader of the American bar, Daniel Webster. Such have been, or are the leaders, while the younger and less distinguished members have ever pressed hard and earnestly upon their superiors and elders. In this school Mr. Fuller has been

trained, and under the standard of professional eminence and honor, created by such men, and amid the energetic competition of such a bar, to acquire and retain the position which, for a generation, he has held, evinces a power and ability, as well as legal learning and diligence of a high order.

As a lawyer he is thoroughly read, both in the common law and equity. Few men are more familiar with elementary principles and their nicer distinctions, or the cases in England and America which illustrate and apply them. His reading, from the necessities of his practice, has kept pace with the progress of the law. His diligence in, and devotion to the quiet and unambitious pursuit of his profession, has been characteristic. He possesses indomitable perseverance, is of a nervous and elastic temperament, hopeful, and never depressed by the adverses and unexpected turns of a cause. He prepares his cases with care, and in their trial is never apparently disturbed by any of the unforeseen contingencies which the best preparation cannot always anticipate. Clear and remarkably quick in his apprehension, subtle in making distinctions, sometimes even more refined and plausible than real, he is rarely taken at a disadvantage by his adversary, and extricates himself from an embarrassment with dexterity.

He is of medium stature, slender in person, with a pale, intellectual look, quick in motion, and dresses with scrupulous nicety and neatness, but with some peculiarities, evincing independence, if not a little eccentricity. He adheres somewhat to the fashions of an earlier day, and almost or quite alone at the Boston bar, clings with unwavering tenacity to the simple but ministerial white cravat and plaited ruffle bosom.

Mr. Fuller has a strong, logical, and practical mind, a retentive memory, and, as we have already said, great clearness and quickness of apprehension. He seizes a point at once, and states it clearly and precisely. He has much wit and vivacity, as well as great power of sarcasm and invective, which he sometimes, as we have thought, calls into too large and frequent action before the jury, and which he unrelentingly uses when he believes it deserved. He is a fluent speaker and a cogent reasoner, but sometimes indulges in too much diffuseness of statement. He speaks with great distinctness, rapidity, and rarely changes or hesitates for a word. The compass of his voice is not great, and he has little gesticulation, but argues with animation, and with unusual ingenuity and force, and entirely exhausts his subject. No man treats his equals with more courtesy and candor, his superiors on the bench or at the bar with more respect and deference, and his juniors and inferiors with more affability and kindness. No young man, in the inexperience of his first admission to the bar, ever sought from him favor or information and met a repulse. Liberal and honorable in his practice with his professional brethren, scorning all subterfuge, trick, or unfair advantage, he is ever ready to impart, when sought, the knowledge which his extensive reading and experience have accumulated. Whosoever in his power, he never fails to aid and advance the young and deserving. As a citizen, he is public-spirited and generous. His hand is open in charity, and his heart responds to the demands of suffering and misfortune. He has great conversational powers, and is a vivacious, genial, and agreeable companion. Keenly alive to the pleasures of social intercourse, he is more so to those

of domestic life, and finds his purest enjoyment and sweetest hours in the bosom of an almost idolized home, which, as we write, is made desolate by the death of the partner of his life. He takes great interest in all that relates to his religious denomination, and is a devoted and consistent member of the Unitarian Church.

Mr. Fuller is a good classical scholar. He has also taken much interest in biblical literature and studies, and is well versed in them. In connection with these, and attracted by his tastes, he has devoted much reading to the modern discoveries in Egypt and the East, and is very familiar with the works of Wilkinson, the Champollions, and others who have explored this most interesting field. He also keeps himself well acquainted with the current literature in all departments. In 1823 he delivered the annual address before the Alpha of the Phi Beta Kappa Society of Harvard University, at Cambridge. He has occasionally prepared an article or pamphlet upon some of the topics of the day, and writes with ease, energy, force, and elegance. He has, however, cultivated letters, as his leisure would permit, rather in the gratification of a refined taste than as subservient to distinction out of his profession.

Upon the recent death of the late Benjamin Rand, LL. D., an eminent counselor, and long the friend and associate of Mr. Fuller at the Suffolk bar, a meeting of its members was called, and a series of resolutions, expressive of their high sense of Mr. Rand's virtues and accomplishments, adopted. Mr. Fuller was chairman of this meeting, and, by request, presented the resolutions to the Supreme Judicial Court upon its coming in on the next day. We cannot better close this imperfect memoir than by subjoining the proceedings of that meeting, and Mr. Fuller's address, and the reply of the court. We do this because the address is a fair specimen of Mr. Fuller's style and manner of speaking, although with little preparation; while both the proceedings and address are a just and glowing tribute to the memory, as well as an epitome of the life of a distinguished practitioner, whose too early death alone has prevented our assigning him in these volumes that conspicuous place which, up to that time, he held, and deserved to hold, among eminent living American lawyers.

We are indebted for these proceedings and for Mr. Fuller's address to the Monthly Law Reporter for May, 1852. We extract as follows :—

"The meeting was called to order by Charles G. Loring, Esq., whereupon, H. H. Fuller, Esq., was chosen chairman, and George Bemis, Esq., secretary.

"Appropriate remarks were made by Mr. Fuller, on taking the chair, and also by E. H. Derby, Esq.

"The following resolutions were offered by George S. Hillard, Esq. :

"*Resolved*,—That the members of the Suffolk bar have heard with sorrow of the death of their late friend and associate, Benjamin Rand, Esq.

"*Resolved*,—That the professional life of Mr. Rand, crowned, as it was, with the most various and affluent learning, dignified by a stern sense of honor, and marked by a single-hearted devotion to the interests of his clients, and by an unselfish love of the law, for its own sake more

than for its honors or its emoluments—a life passed in modest tranquillity amid the unambitious toils of the bar, and in the calm atmosphere of legal studies—commends itself to the gratified and honoring remembrance of his brethren, and presents a model for imitation to all who survive him.

“Resolved,—That the massive and copious learning of Mr. Rand, wherein he had no superiors and few equals, was less to be commended than the manly and moral worth which waited upon his daily professional life, than that love of truth, that intolerant scorn of meanness, and that generous disdain of unfair advantages and opportunities which were leading traits in his character, sometimes expressed more fervidly and uncompromisingly than a cold self-interest would prompt. We delight to honor the memory of the lawyer who, armed with all the weapons and resources of the law, used and valued them only as instruments to insure justice and protect the right, who contended for truth and not for victory, and who would have disdained a triumph bought at the price of self-respect. If the movements of Mr. Rand’s mind sometimes showed the effects of a too exclusive devotion to legal studies, his moral sense passed unharmed through all the temptations which our profession presents. His studies never hardened his heart, and his practice never warped his perceptions of right and wrong. His daily life shone with the light of truth, honor, courage and disinterestedness. We feel a melancholy satisfaction in thus expressing and recording our sense of the excellence of Mr. Rand’s personal and professional character, and we gratefully and affectionately cherish his memory.

“Resolved,—That these resolutions be presented to the Supreme Judicial Court, now in session, with a request that they be entered upon the records.

“Resolved,—That the secretary be requested to transmit a copy of these resolutions, and of the proceedings of this meeting, to the family of the deceased, as an expression of the sympathy of the bar in the great loss which they have sustained.”

The chairman of the meeting was requested to present the above resolutions to the Supreme Court, upon its coming in on the next day.

Upon the coming in of the Supreme Court on Wednesday morning, April 28th, Mr. Justice Bigelow presiding, H. H. Fuller, Esq., addressed the court as follows:—

“May it please your Honor:—It has become my melancholy duty, in obedience to the request of my brethren of the Suffolk bar, to announce to this court the decease of our brother, Benjamin Rand, Esq., one of the counselors of this court. A great man has fallen in our midst—a mighty spirit has taken its flight from this earthly sphere and winged its way to heavenly mansions, to join that company of kindred intellects whose works and thoughts were his study and delight while he remained with us.

“Mr. Rand died at his residence in this city, surrounded by his family and friends, early on Monday morning last, of a disease which had confined him to his home for some weeks. He was a native of Weston, in our neighboring county of Middlesex, where he was born on the 18th of April, in the year 1785. After the usual academical preparation at

Andover, he entered Harvard University, and was graduated at that institution in the year 1818. At the close of his collegiate course, having striven generously and manfully with the master spirits of his class, for literary pre-eminence, he was found standing foremost in the front rank.

"After leaving the university, he commenced the study of the law in the office and under the charge of Isaac Fisher, Esq., a distinguished counselor in his native town, and afterwards he completed his professional studies in this city, in the office of our late judge, the Honorable Artemas Ward, and was admitted to practice in the courts of this county. He immediately opened his office here, and continued in the practice of his profession until the close of his life.

"During the early part of his professional life—the first eight or ten years of it—Mr. Rand had very little encouragement in his profession. The earnings of his labors, in that period, were not sufficient to give him a comfortable support. Being a man of modest and somewhat diffident manners, and a stranger in our city, he labored under many disadvantages in the acquisition of clients and business, which were only overcome after years of toil and struggle.

"But this period of inactivity in his profession was not lost or wasted by Mr. Rand. Indeed, upon looking back to that state of things, which was painful and disheartening in the highest degree, and most grievous to be borne at the time, we can now see plainly that in it and by it he was led to that course of occupation and study which laid the foundation of his future distinction and professional eminence. During those weary years of melancholy waiting, he not only devoted himself to the most thorough study of his profession, properly so called, the common, civil, maritime and ecclesiastical law, reading all writers, common or rare, upon those subjects, tracing the streams to their fountains, in the remotest antiquity of the science; but he plunged into other branches of learning with an enthusiasm and avidity which seemed to outside lookers-on as truly amazing. He made himself thorough master of most of the living languages of Europe, except those of the Czar and the Sultan, so that he could readily read the best authors and profit by the best thoughts of the great minds who had used those languages. He seemed to have brought home to his soul, with practical effect, the charming maxim of his great Roman exemplar, "*Omnes artes, quæ ad humanitatem pertinent, habent quoddam commune vinculum, quo inter se continentur;*" and he took it in its most literal and liberal interpretation. During this period he pursued the study of medicine, acquiring a vast amount of learning in that science; he dipped into those wonderful discoveries of Egyptian antiquities, then just beginning to attract public notice through the labors of Dr. Young, of England, and of the two Champollions, Le Jeune and Figeac, of France, and studied geology, mineralogy, (sciences then new amongst us,) and engaged in many other branches of learning. Most of these studies proved of wonderful use to him in after life, at a time when his professional labors allowed him no time to acquire them for the occasion.

"But the period of these luxurious revellings in the fields of learning, unlimited and unrestrained by professional necessities, drew towards a close. It was the fortune at that time of Mr. Rand to be retained in a

suit involving all the intricacies and niceties of special pleading in relation to the breach of covenants under seal. It related to a contract for the erection of certain private palaces for some of our merchant princes in this city. The action lasted several years, involving many questions of fact and more of law, and coming before the whole court several times upon those questions. For this warfare Mr. Rand was already armed and equipped, and possessed the consciousness that he was clad in fresh armor, and that he had at his command all that the books could furnish. It is sufficient to say, that before this controversy was fully ended, and all questions therein were settled, Mr. Rand found himself amongst the foremost in the highest ranks of his profession, not only in the estimation of his legal brethren but of the public generally.

"From that time he was rendered happy and placed at ease, both in pecuniary and in all other senses. During the remainder of his life his professional engagements and labors were incessant, and the rewards of them were entirely satisfactory to himself and to his friends.

"From that time, also, his true character as a man was freely developed without fear or restraint. Early imbued with an ardent love of learning, he now could gratify his taste in this respect by the purchase of the best works and by drinking at the purest fountains.

"But in the midst of this wide world of learning, the natural and acquired taste of Mr. Rand led him to the law, not merely as a business or employment, but as an intellectual exercise and discipline; he loved its philosophical precision and exactness, and its logical results, partaking so much of mathematical demonstration and certainty. He may truly be said to have loved the law, and he wooed and won with the genuine fire of that passion. Indeed, looking at his professional career, he seems, after an observation of the whole of it, to have practised our noble profession as a mere amateur and for the pleasures it yielded in its pursuit. The natural rewards or recompense, in a pecuniary view, he did not and could not refuse to receive; but he never manifested the least thought or care for them until all was over and the client naturally desired to know his pleasure in that regard. Indeed, money or riches never seemed to be in his thoughts; he could truly say, if ever a man could, "*Nunquam divitias Deos rogavi, contentus modicis!*" And yet a proper gratification of his tastes, even in his profession, required large resources. When it is considered that he possessed himself of the most valuable and well-selected private law library which is known to exist in these United States, the necessity of large professional earnings is obvious.

"Our deceased brother was a man of many and varied excellences of character. Possessed of stupendous learning in his appropriate profession, so much so as to have been pronounced by eminent judges and jurists to have at least as much legal learning as any other living man, and that more accessible for ready use, besides his acquirements in other branches of learning; yet he bore himself at all times with the unaffected simplicity and ingenuousness of early youth. It hardly seemed possible with such manners that he should ever have been the close and laborious applicant to study, so necessary for such vast accumulations of knowledge. He was remarkable for a noble generosity and ready sympathy, which opened his heart freely and promptly to

every fellow-creature. His learning seemed so natural, and sat so easily upon him, that he never appeared to consider that any part of it was to be used for lucre or gain. Whenever a professional brother needed aid in threading the mazes of any legal question, if he approached Mr. Rand, instantly, without a selfish thought or impulse, the fountains of the law were opened freely and cheerfully; and so much pleasure did he take in imparting portions of his vast knowledge, that when a proper opportunity was offered he would not permit his brother to depart till he had pointed him to the leading works, and even cited the most pointed cases applicable to the question in hand. There was no affectation or display in his manner of doing this; the whole resulted from his irresistible impulse to do good and to give pleasure to his friends and fellow practitioners, and the ease and readiness with which he could do it, and give a clue to all branches of the law in its most recondite departments, never ceased to surprise and astonish all who knew him.

"It was the good fortune of Mr. Rand, some eighteen years ago, to visit England,—the home of our Anglo-Saxon ancestors, and the native land of the common law. His professional reputation had preceded him. He was received with great cordiality and marked distinction by the bar and the bench. The acquaintance formed by him on that occasion with the leading minds of our profession in that country, was followed by a correspondence between himself and some of those persons which discloses the high appreciation which they had formed of his talents and learning. This visit was the source of great pleasure and enjoyment to him. The enthusiastic delight with which he described his first visit to that cradle of the common law, Westminster Hall, where that wonderful monument of human learning and acumen has been built up by the judicial decisions and labors of seven centuries, can never be forgotten by those who have heard his narrative.

"But, sir, our friend has departed. He has left us behind; we are to follow.

" Omnes eodem cogimur; omnium
Versatur urna, serius ocus
Sors exitura."

"But let us not say this in tears, or in sadness. Death is the gate of Heaven,—it is a station-house on the road of an unavoidable and predestined progress through the ages. It is our best friend and deliverer from a finite and limited existence; from a narrow world, which the genius of our race has already learned to span as with a girdle, and speak around it, in half an hour. It is the only entrance to those boundless mansions above the visible canopy which overshadows us, through which we may enter, and unite ourselves with those mighty intellects, those resplendent spirits, whose efforts and thoughts have elaborated and transmitted to us that wonderful fabric of Christian civilization and culture which has transformed this terrestrial abode, from a place of mere animal development and enjoyment, into a school of intellectual and spiritual discipline and progress, and thus made it worthy of immortals.

"May it please your Honor:—The members of the Suffolk bar have unanimously adopted certain resolutions, expressive of their sense of

the great worth and distinguished excellence of our deceased friend. They have directed me to request this honorable court to cause them to be entered at large upon its records,—that they may remain, so long as the principles of that noble science, the common law, so dear to the deceased, shall continue to be the rule of decision, and the protection and bulwark of our rights and liberties, as a memorial of their feelings and sentiments, and a monument, such as winged words may constitute, to commemorate the acquirements, the genius, and the virtues of a departed brother.”

Thereupon, Mr. Justice Bigelow said in substance :

“I regret that some one of my associates is not present on this occasion, who, having been more nearly a cotemporary with Mr. Rand, and more familiar with his professional life and character than myself, would be better able to make a fitting response to these resolutions. I have, however, known our deceased brother long and well enough to bear testimony to his exalted worth, and to the great loss which the profession and the public have sustained in his death.

“His varied and profound learning, his uncorruptible integrity, his honorable ambition, the highest aim of which was to illustrate our jurisprudence, and advance and elevate the profession to which his life was devoted, were the great and shining qualities, which won for him universal respect and admiration, and which render the example of his life so worthy of imitation. To these may be added that beautiful trait of his character, already alluded to by our learned brother, which led him to regard the treasures of learning with which he had stored his mind, not as means to be used to promote selfish ends, but as a common stock in which all were welcome to share. This was shown, not only by his readiness to impart his knowledge in personal intercourse with his brethren, but by the full and learned annotations with which he enriched several elementary treatises, and the early volumes of our own reports.

“I can only add, that I most cordially concur in the resolutions of the bar, and in compliance with the request therein contained, shall order them to be entered on the records of the court; and as an additional mark of respect to the memory of the deceased, I shall not proceed with the business of the court, but shall adjourn it to another day.”

HON. DAVID DEVENS,

OF CHARLESTOWN, MASSACHUSETTS, PRESIDENT OF THE BUNKER HILL BANK.

MR. DEVENS is descended from an ancient and honorable family in New-England, and is the grandson of the late Richard Devens, who was an active member of the committee of public safety in 1775. His parents resided in Charlestown when the war of the Revolution commenced. Their property was destroyed, and they were driven out by the burning of the town, on the 17th of June, 1775.

David Devens was born in Boston in 1777, and removed to Charles

town in 1790. With a borrowed capital of only two hundred dollars, he commenced business in 1799 as a wood and lumber dealer, and for more than forty years continued to do business on the same spot, during which period he became a successful merchant, and was deeply concerned in navigation and commerce, in voyages to Europe, the East and West Indies, &c.

He has been treasurer of Charlestown; has been honored with many town and state offices; is now director in insurance offices, Bunker Hill Monument Association, and other corporations. He is also president of the Bunker Hill bank, with which he has been officially connected for twenty-seven years.

HON. PLINY MERRICK,

OF MASSACHUSETTS.

MR. MERRICK is a descendant from a family of English emigrants, who came to this country soon after the landing of the Pilgrims at Plymouth. His ancestor, Thomas Merrick, arrived here about the year 1630, and was one of the first settlers of the town of Springfield, on the Connecticut River, where he is known to have resided in 1636, and until his death, nearly fifty years afterwards. His descendants are numerous and respectable. Many of them still dwell in the valley of the Connecticut, near the location he selected for his residence, while others have found homes in different and distant states of the Union.

The father of Mr. Merrick was a member of the legal profession. He established himself at Brookfield, a pleasant village, situate nearly midway between Springfield and Boston, in the midst of a prosperous agricultural community. He was a good lawyer; but his personal integrity, more than his professional ability, gave him title to the respect he possessed. He died before his son had completed his collegiate education.

Mr. Merrick was born in Brookfield in 1794, and was graduated at Harvard University in 1814. He maintained there a good reputation for talents and scholarship, in a class of which Professor Walker, of Cambridge, William H. Prescott, the historian, and others well known in their respective avocations, were members. Immediately after leaving college, he entered the office of Gov. Levi Lincoln, of Worcester, one of the most distinguished of the lawyers of Massachusetts, as a student, and continued under his tuition until his admission to the courts as an attorney in 1817. His subsequent life has been given almost exclusively to his profession.

He brought to the bar qualities which, sooner or later, are sure to command success. A quick, clear, vigorous mind, well trained and enlarged by liberal culture—generous and manly aims—graceful and winning manners—a love of justice, and a thorough detestation of every species of craft, low cunning, and fraud, could not fail to be ultimately appreciated and rewarded by an intelligent community.



from
H. J. K. K.

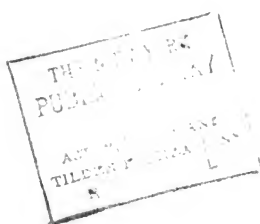
town in 1790. With a population of 1,000, it was the largest town in the county.



*James &
Henry Merriam*

OF WORCESTER, MASSACHUSETTS

First of Biographical Sketches of Eminent American Lawyers



He commenced his professional practice in Worcester, under the pressure of a considerable indebtedness, which had been incurred in the expenses of his education, and from which it cost him the struggle of several years to extricate himself. But he never despaired, and was never unmindful that it was one of the first of his duties to discharge the pecuniary obligations he was under to those whose kindness had afforded him assistance. Anxious to make this return, but not meeting with the immediate encouragement at Worcester which would enable him to effect it so early as he desired, he removed, in the hope of improving his condition, to the county of Bristol. He remained there until 1824, being a part of the intermediate time a law partner of Gov. Marcus Morton. He then returned to Worcester, where he has ever since resided.

During the early part of his professional life his business was inconsiderable, and his prospects were apparently unpromising; but, though he felt some solicitude for the future, he never gave way to idle despondency, nor once thought of being diverted from the course he had resolved to pursue. He had leisure for study, for observation, and for the acquisition of practical knowledge, and he used it with a wise forecast. In these years of apparent failure, he laid the foundation for a higher and wider success than that which results in mere accumulation of gain and profit. While diligently seeking to make himself acquainted with the science of the law, he did not neglect more graceful and generous studies; nor in the seclusion of study did he forget to qualify himself for a life of activity and business, by obtaining a practical knowledge of men and the affairs of society.

Very early after his return to Worcester a great change occurred in his circumstances, and happier prospects opened to his exertions. His retainers were increased, his engagements multiplied, and his rise from that period was marked and rapid. He entered then into the higher walks of his profession as a counselor and advocate. He had now ample use for all the materials which his previous diligence had collected; and, almost at once, he advanced into an extensive and varied practice; limited, in fact, only by his capacity of labor and power of endurance. It frequently occurred that he was employed as senior counsel in every cause that was tried at the terms of the courts in the county of Worcester. He was retained also in important causes in other parts of the commonwealth, and occasionally also in the neighboring states of New-Hampshire, Vermont, and Rhode Island. His habits of business had become thoroughly regulated, his perceptions were rapid, and his application close, constant, and unremitting. It was by these means that he was enabled to bring the multifarious engagements in which he was employed to a prosperous issue. He derived no advantage from any system of division of labor, for in professional practice in the interior counties of Massachusetts no such division was known. The advocate was there required not only to be familiar with the principles of law in its various departments, but to be capable also of adapting himself to the management of the minutest details of proceeding in the courts, and in the preliminary preparation for trial. To meet every exigency without faltering or hesitation—to do all that is rapidly and continually falling upon his hands with con-

summate tact and ability—and to add to the work the charm of eloquence, and the finish which liberal studies alone can impart—demands no trifling measure of original power, invigorated by the acquisitions of untiring industry.

Such vigor of application and such constancy of employment produced their inevitable consequences. Mr. Merrick relieved himself from all pecuniary embarrassment, and succeeded to a position, not, indeed, of affluence, but of ease, of competency, and independence; and, what to a generous mind is of still higher gratification, he found himself surrounded by friends, and sustained by the confidence of the public, alike in his personal and professional character.

While in full private practice, he was appointed attorney for the commonwealth in one of the four districts into which it was divided. He retained the office, by successive appointments, until he was transferred to the bench. Firm, but courteous and humane, intimately conversant with the criminal law, and accustomed to great exactness in the conduct of all his affairs, he made an admirable prosecuting officer. While he forbore no labor and spared no pains to fix upon the guilty the legal penalties of transgression, he was never known to press for a conviction merely because an accusation had been made, or an indictment presented. His labors in this department of the government, so essential to the welfare of the state and the security of its citizens, were rewarded by their constant and warmest approbation.

In 1843, Mr. Merrick was placed upon the bench of the Court of Common Pleas, which, in Massachusetts, is invested with an extended civil and criminal jurisdiction, and which has been adorned by some of her best jurists. In accepting a judicial office, he assumed the discharge of duties in which the eminent advocate is by no means always successful. But he was not of the number who fail; he soon increased the reputation he had acquired at the bar. He carried to the bench the manners of a gentleman, and presided in his court not only with dignity, but with urbanity and kindness. His clear and discriminating mind, his ready perception of the true issues to be investigated, his quick analysis, and his happy faculty of laying everything clearly and plainly before the jury, enabled him to execute his office acceptably, and very early established a high judicial reputation.

In the autumn of 1848, he was urgently solicited to come to the rescue of an enterprise thought to be of great importance to the city of Worcester, which had been commenced, but was then laboring under the severest depression and embarrassment. He yielded somewhat reluctantly to that solicitation, and, resigning his judicial office, was chosen president of the Worcester and Nashua Rail-road Company. To the new species of labor to which he was thus called, he applied himself with vigor, and evinced in it sound discretion and great practical intelligence. His energy, perseverance and personal influence overcame all obstacles in its way. He carried forward the work of the corporation, till their road was done, their buildings completed, and their cars running on the track; and he then chose to withdraw from the company, and leave their operations to be conducted by those who had a more direct and immediate interest in its prosperity.

But though he was thus temporarily diverted from his own appro-

prate avocations, he was unwilling long to be absent from those pursuits to which it had been his constant purpose to devote his life. Having brought the enterprise in which he had been engaged to a prosperous termination, he turned again, with undiminished zeal and unabated power, to his chosen profession. His services were promptly sought for in the circle of his former labors with eagerness and avidity, and he was renewing a full career of employment in the courts, when a vacancy occurred upon the bench he had left. The seat was tendered to him by Gov. Briggs, and was accepted; being the only instance in Massachusetts in which an individual has been re-appointed to a judicial office from which he had once voluntarily retired. This second appointment was the more honorable to him, as it was conferred by a chief magistrate to whom, politically, as the representative of the predominant party in the state, he had been long and constantly opposed.

Judge Merrick has been seen but little in political life. The democratic party with which he is associated have not often secured the ascendancy in Massachusetts, and it has not therefore been in its power to confer distinction upon its members by party patronage. But he has enjoyed the confidence of his political friends, who have accorded to him such manifestations of respect and attachment as a minority can bestow. He has often been their candidate for places of trust and posts of honor and responsibility, and under their nomination he was elected, in 1849, to the Senate of the Commonwealth. As one of the most prominent members of the party, he occupied an important position in the legislature, and exercised an effective and salutary influence over the proceedings of the body to which he belonged. Had he been continued in that sphere of action, valuable results might have been anticipated from his wide experience and judicious counsels; but before the occurrence of another session of the legislature, he was again in judicial office under his second appointment.

It is in his professional character, as an advocate and as a judge, that he is chiefly known, and will be hereafter remembered. As an advocate, he was eminently successful; yet it was against no feeble minds that he achieved his distinction at the bar. Better lawyers are seldom seen in our courts than John Davis, now a senator in Congress from Massachusetts; and Samuel Hoar, of Concord, whose solid learning and inexhaustible ingenuity are themes of praise wherever he is known. It was with such men that he had to contend, and he proved himself equal to the contest. Always buoyant and indefatigable, he never failed to be ready at the commencement of the race, nor exhibited fatigue till he had reached its close. One must have heard his addresses to a jury, fully to have understood his merits as a jury lawyer. His approaches to them were in the gentlest terms, and he secured a lodgment in their hearts before he began his appeal to their understanding. His manner was easy and graceful; fluent in his delivery, his voice was clear, rich in its tones, and admirably modulated. He had a singular felicity in the command of language: copious without redundancy, the right word always fell in the right place. He saw distinctly the point in issue which he was to reach, and he went directly to it. In grouping facts, seemingly remote and disconnected, and in bringing them to bear with combined effect upon the designed end, his talent and ingenuity some-

times seemed wonderfully great. He reasoned with the caution and closeness of a logician. But his powers of persuasion surpassed even his force of argument; and his eloquent and touching appeals to the hearts of his hearers, revived in his own country the memory of Francis Blake—a brilliant genius of an earlier day, of whose superior merits too little is remembered, and of whose productions too few have survived him to ensure the durability of the fame he deserved.

Judge Merrick has been of counsel in many causes which will have a lasting remembrance. But of his forensic efforts few were ever reported, and no written trace remains of arguments which, in the hour of their delivery, held listening audiences in admiring attention. Of the inconsiderable number of those which have been preserved, allusion may be made to his defence of Professor Webster. The report of his argument on that occasion, contained in the full and accurate report of the trial published by George Bemis, Esq., one of the counsel for the government, fully sustains the opinion expressed of it by those who were present at its delivery. No criminal trial has occurred in the United States which attracted such universal attention or excited so intense and painful an interest. Nor was there ever one in which counsel for the accused discharged their duty under a pressure so severe and terrible. It is impossible for those at a distance from the scene to appreciate its force. They who were spectators, who carefully watched the whole proceedings, and who felt as well as saw the fatal character of the evidence growing hourly in irresistible conclusiveness, witnessed also the devoted ability and skill with which it was met and contested. They, and among them were some of the most distinguished and discriminating citizens of the commonwealth, bore the strongest testimony to the vigor and ingenuity with which the prosecution was resisted; and gave assurances in various ways to Judge Merrick, that his closing address to the jury was, under the distressing and overwhelming circumstances against which he had to contend, one of the ablest and most eloquent arguments ever heard in the courts of Massachusetts.

The life of Judge Merrick, as an advocate merely, is undoubtedly finished. He is now upon the bench under his second appointment, enjoying the confidence of all parties, and the cordial esteem and respect of the bar. By those who are the more immediate witnesses of his course in that responsible station, a gratifying testimonial has been recently tendered to him; and the hope emphatically expressed, that his life and health may be preserved, and the public permitted for many years to enjoy the benefit of his judicial labors.

HON. ANGUS PATTERSON,

OF BARNWELL DISTRICT, SOUTH CAROLINA,

Is the son of Alexander and Elizabeth Patterson, who were of Scotch extraction. They belonged to a colony of Highlanders who emigrated to North Carolina before the Revolution, and settled in the



Eng for Biographical sketches of a man.*

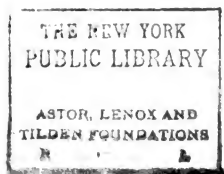


Painted by H. F. Field

HON. ANGUS PATTERSON,

OF BARNWELL DISTRICT, SOUTH CAROLINA

Engraved by J. H. Smith, from a portrait by H. F. Field



counties of Cumberland, Moore, Richmond, and Robeson. Angus was born in the latter, on the 5th day of December, 1790. His parents were as well educated as the times and the then state of the country admitted; they were, in common with most of their neighbors and countrymen, poor but moral, religious, contented, industrious, economical, and anxious for the education and advancement of their children. They could, though they did not, generally speak the Gaelic language, which at that time was the common dialect of the elder inhabitants of the Scotch settlement. They were, as were all their countrymen, rigid Presbyterians, and a branch of the Kirk of Scotland;—no clergyman was allowed to preach, permanently at least, in their churches, who was not sent out and recommended by the Kirk—the ability to preach in Gaelic being an indispensable qualification. His paternal grand-parents were Daniel and Mary Patterson; the maiden name of the latter was McMillan; they emigrated twelve or fifteen years before the Revolution, and first settled in Cumberland, but soon removed to the Raft Swamp in Robeson county, where a few of their descendants still reside. His maternal grand-parents were John and Isabel Patterson. They lived and died at a very advanced age in Moore county, near the head of Rockfish, a tributary of the Cape Fear. John Patterson was 16 years of age when he came to America, and must have been amongst the first emigrants, as he had acquired considerable property, and had several children grown at the commencement of the Revolutionary war. His maternal grandmother, whose maiden name was McDuffie, spoke Gaelic imperfectly, and was born in America; her family, or rather her brother, Archibald McDuffie, the only portion of her family we ever heard of, lived in Cumberland, near Fayetteville. The family is now extinct, or removed to parts unknown. His father was too young to take part in the Revolutionary war, and both his grandfathers were, as were most native Scotchmen, neutral. A brother of his mother served in the American army at Guilford, and probably in other engagements. His father's and mother's maiden name were pronounced alike, but the families were not connected, and, besides, they spelled the name differently, one with one *t*, and the other with two. His grand-parents, on both sides, left a numerous offspring, who have generally removed to the west, south, and south-west, and are to be found in every state, from the Cape Fear to the Rio Grande. His father, as far back as he can recollect, worked with one or two slaves on his farm in summer, and for two years in winter taught a small school, a little more than a mile from his residence. To this school our subject was carried, sometimes by his father, and sometimes by a servant. He must have been young, and could have learned but little.

About 1803 or 1804, several young Scotchmen, having acquired a classical education, became Presbyterian ministers, and opened several academies in the Scotch settlement. To one of these, located at Solemn Grove, in Moore county, in charge of the Rev. Murdoch McMillan, Mr. Patterson was sent, where he remained nearly two years, boarding gratuitously in the family of a maternal uncle who lived in the neighborhood. There he made some progress in Latin, and reviewed English Grammar.

About this time he became sensible that he would have to shift for himself; that for further progress in obtaining an education he would have to rely on his own exertions. Though his father had increased his property a little, he had a number of children, by three marriages, of whom Angus was the oldest. He saw that he could expect no material pecuniary aid from him. When he left Solemn Grove he was invited by his kinsman, Kenneth Black, to act as his assistant in the Lumberton Academy, of which he had charge. Mr. Patterson instructed the lower classes during school hours, for which he received a small salary, scarcely sufficient to pay for board and clothing, and had the privilege of joining a class. Mr. Black was a pretty accurate classical scholar, and afforded his pupils every facility he could. Mr. Patterson read portions of Ovid, Virgil, Horace, and Cicero's Orations, and managed to keep up with his class, but it may be supposed that he did not indulge in much sleep. He could understand Horace best, and he was his favorite author. He made a little, and but little, progress in Greek. Here Mr. Patterson resolved to direct all his efforts to the acquisition of a collegiate education. His plan was to obtain the necessary funds by teaching school; and, accordingly, in December, 1808, failing to get employment nearer home, he came to South Carolina, and succeeded in obtaining a school in Colleton District, near Patterson's Bridge. He had a Virgil and Horace, and spent most of his time, when not in school, in reading them. Not liking the manners of the neighborhood, he gave up his school at the end of the first quarter, and obtained employment as a private tutor in the family of Mr. John Witsell, in the same district, near Jacksonborough, then the seat of justice of Colleton district. There he remained a year in charge of three boys, who improved but little under his instruction. He attended the Court of Common Pleas, as a spectator, and became acquainted with one or two lawyers, who suggested the idea of giving up going to college, and to read law. Having conceived a fondness for forensic proceedings, he readily adopted this suggestion, and borrowing a copy of Blackstone's Commentaries, read it through, and portions several times, while living in the family of Mr. Witsell. Near the end of his engagement with Mr. Witsell, he received an offer from the late Johnson Hagood, Esq., of Barnwell District, to understand the nature of which it is necessary to premise, that Mr. Hagood had been a lawyer of considerable practice, but having become a planter, was withdrawing from the profession. He had a good library, both law and miscellaneous. The proposal was to instruct a few children certain hours, for a small pecuniary compensation, and the use of the library and office. This situation was well adapted to his views. Mr. Hagood still had some professional business, which he soon left almost entirely to Mr. Patterson's management, visiting the office occasionally, when Mr. Patterson requested his advice. He issued writs, drew declarations, and prepared cases for trial, by noting the facts and looking up the law. He had ample time, and took no step without consulting every book in the office treating of the matter under investigation. In this way he became pretty well acquainted with the rules of pleading and evidence. Special pleading in those days was countenanced, if not encouraged, by the bench and the bar, though it is quite different now,—the declaration

is seldom looked into, and a special demurrer is regarded with little favor. Besides books of practice, he read Burlamaqui on Natural Law, Montesquieu's Spirit of Laws, Vattel on International Law, Fearne on Contingent Remainders, Foulblanque's Equity, and some history, biography, and poetry. He was advised by most persons whom he consulted, as to the proper course of reading, to study Coke on Littleton attentively. He accordingly commenced the task several times, but never could get more than half through the book. He began with Mr. Hagood in July, 1810, and in November, 1812, he went to Charleston and entered the office of the late John S. Richardson, then attorney-general of the state, and for many years subsequently a judge of the Court of Common Pleas. He now bid adieu to the business of school-master, having succeeded in it but poorly. To him it was a labor of necessity, and not of love. His principal employment in the office of Mr. Richardson was drawing indictments and declarations, but he made shift to look into many of the then modern cases, such as are reported in Burrows, Douglas, &c. For the principles established in the old reports he relied on Comyn's Digest, and Viner's and Bacon's Abridgements. Here he first resorted to the practice of acquiring a general knowledge of the contents of a book without reading it, which proved of much advantage to him when pressed for time, in subsequent life. While in Charleston, he attended a session of the circuit and appeal courts, and was complimented by the late Judge Calcock for his attention. From that time that able judge, and amiable man, as long as he lived, was his personal friend. In May, 1813, he was admitted, by the court of appeals in Columbia, to practice in the courts of law. He forthwith opened an office in the village of Barnwell, and Mr. Hagood having died, in the mean time, he purchased his law library, and fell heir to some of his cases and clients. Mr. Patterson had but little local competition. The late Hon. William D. Martin had studied law in Barnwell, where he had respectable connections, and was deservedly personally popular. He had been admitted some months, perhaps a year, before Mr. Patterson, and settled in the adjoining district of Beaufort, but, through a partnership, had an extensive and increasing practice in Barnwell. With that gentleman Mr. Patterson practised long and pleasantly. The transient bar was numerous, considering the quantity of business, and formidable for talents. The principal members were—Robert Stark, solicitor of the circuit; Richard Gantt, afterwards Judge Gantt, Edmund Bacon, John J. Chappell, Etheldred Simpkins, and John M. Felder. The three last named have since been members of Congress and of the state legislature. By these gentlemen he was treated with marked kindness, particularly by Mr. Stark, who not only gave Mr. Patterson his countenance and advice, but aid. All these gentlemen, except Col. Chappell, have "shuffled off this mortal coil."

There is nothing a young man remembers so long or so gratefully as the courtesies of his senior brethren. Mr. P. came to the bar a stranger—an inexperienced youth, without money, and with no friends except a few whose confidence he had gained in the office of Mr. Hagood. These adhered to him as long as they lived, and he has had the pleasure of rendering important professional service to some of

their descendants. Before his admission he lived very retired, avoiding rather than seeking society; and was bashful to an unreasonable degree. Conscious of having made all the preparation he could, he did not lack confidence in himself; yet he was so timed, excitable and nervous, that after an argument, he could scarcely recollect a word uttered. Nothing but necessity enabled him to overcome this timidity. His business increased rapidly, and by 1818 he was in full practice. From 1820, as long as he continued an active member of the bar, he had as much and sometimes more business than he could do justice to. In 1818 he first appeared as counsel in the Court of Appeals.

He early commenced investing a portion of his income. He first became a farmer. In 1827 he began to plant with a moderate capital, which was increased from time to time. In common with most professional men, at least of the South, he was passionately fond of agricultural pursuits, but never permitted them to interfere with his professional engagements, and therefore had to divide the proceeds of his planting interest with agents and managers.

In 1818 he was elected to the House of Representatives, re-elected in 1820, and after serving four years in that house, was elected to the Senate in 1822—and re-elected every four years until he retired in 1850. The sessions of the legislature of South Carolina are so short, never more than twenty days, that a seat in it does not interfere with professional duty. While on the floor of the Senate he acted as chairman of one of the working committees, at the same time serving as a member on several others. At the session of 1832 he was appointed chairman of the special committee to which the ordinance of nullification was referred, and of which the Hon. A. P. Butler and the Hon. James Gregg were members. A similar committee was raised in the House of Representatives, of which the Hon. B. F. Dunkin, now Chancellor Dunkin, was chairman, and the Hon. Wm. C. Preston and other gentlemen since distinguished, were members. In the nullification contest, party spirit ran high, and was in some instances bitter. Though his political course was decided, he retained throughout the contest many personal friends in the ranks of political opponents. While in the Senate, he had the happiness to be associated with many of the most distinguished men who appeared on the political stage in the state during the present century. They have now, with a few exceptions, passed away. In December, 1838, he was elected president of the Senate, and being re-elected every two years, occupied that office while he continued a member of that body. On the adjournment of the session of 1849, he became engaged in preparing for the Court of Chancery, which was to sit early in February. About the middle of January his health suddenly gave way. In a few days he became so feeble as to be scarcely able to walk, had a troublesome cough, and lost his voice almost entirely. As advised, he went directly to East Florida. By this movement he escaped the cold of February, March and April, and his health improved a little, more probably from the repose enjoyed, and which he stood much in need of, than from any other cause. It is doubted whether the climate was favorable to his case. On returning home he purchased a residence in the town of Aiken, which he intends to make his principal place of abode.

His health has gradually improved, his voice is in some measure restored, but he is still feeble.

In 1819 he married a daughter of the late Francis Tratti. His wife is of Italian, Greek and Irish descent. Their union has been one of uninterrupted happiness. Of eleven children, two died in early infancy, a third left an infant a few days old, now grown to be a promising boy, and supplies to some extent the place of his mother in the affections of the family.

GEORGE W. NORTON, ESQ.,

OF RUSSELLVILLE, KENTUCKY, PRESIDENT OF THE SOUTHERN BANK OF KENTUCKY.

WILLIAM NORTON, the father of George W. Norton, removed from Harrisburg, Pennsylvania, to Russellville, Kentucky, in 1811, and is now one of the oldest residents of that town. In 1813, he married Miss Mary Hise, a lady distinguished for her intelligence, energy and practical good sense. He is universally esteemed for probity and industry.

George W., who is the oldest child, was born and educated in Russellville, and is now in his thirty-eighth year. In his fifteenth year, he went into a dry-goods store as a clerk; by industry and attention to his duties gained the confidence and regard of his employers, and was enabled to begin business on his own account in his nineteenth year. He was *actively* and *successfully* engaged in commercial pursuits until the autumn of 1849, when he determined to retire from active employments until his naturally feeble constitution and usually feeble health could be somewhat restored.

The charter of the Southern Bank of Kentucky, with a capital of two millions of dollars, having been amended by the recent legislature of his state, the friends of the institution, in the spring of 1850, determined to put it into operation at once. Upon the organization of the board of directors, at the very urgent solicitations of the stockholders and directors, Mr. Norton was induced to accept the presidency of the bank. His success in commercial pursuits gave confidence to the community that the bank would be prudently and judiciously managed—expectations which have not been disappointed. The Southern Bank of Kentucky has the confidence of the public to an extent not surpassed by any similar institution.

In his intercourse with his fellow-men, he has endeavored to be influenced by strict integrity—as a consequence, he has the confidence and esteem of all who know him.

At the age of about 18, he became a member of the Church, and has endeavored to live the life of a Christian.

In 1847, he was married to Miss Martha Stewart Henry, daughter of the late Major M. W. Henry, of Kentucky.

BENJAMIN FANEUIL HUNT,

OF CHARLESTON, SOUTH CAROLINA.

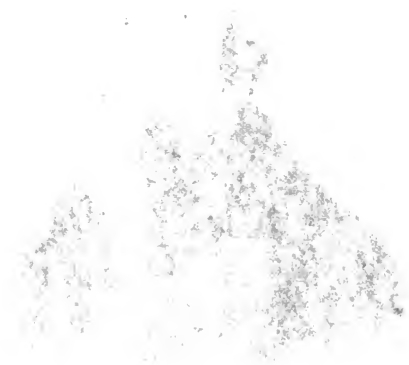
[We have been furnished with the following memoir from the pen of a literary friend and cotemporary of Col. Hunt, in Charleston.—EDITOR.]

THE subject of this memoir was born on the 29th day of February, 1792, at Watertown, near Boston, Massachusetts. His father was the descendant of a clergyman, who emigrated with the early settlers of the state. Having completed his education at Harvard University, on the morning of the day of Bunker's Hill, his father accompanied General Warren, at that time his guest, to the battle-ground, where his conduct merited such approval as to induce General Washington, on his arrival in Massachusetts, to appoint him quarter-master in the American army. His original books remain in the possession of his son, and contain many curious details of that interesting period. After the war he commenced his career as a lawyer, and became extensively engaged in business, which continued until his death in 1804.

Maternally, the subject of this memoir is equally well related. His mother was a daughter of George Bethune of Brighton, and Mary Faneuil, a descendant of the Huguenots, who left France at the revocation of the Edict of Nantes.*

At the death of his father, in 1804, Mr. Hunt was left to complete his education and prepare himself for business. Apt to learn, he became ambitious of receiving a liberal education, and, such was his determined

* The name of Faneuil is thus derived, as appears by a communication in the Boston Evening Transcript: "In 1685, at the period of the revocation of the Edict of Nantz, there were living in or near Rochelle, in France, three brothers and two sisters of the Faneuil family. When the persecution commenced, so ably and touchingly described by James Saurin, two fled for safety to foreign lands. Andrew, the elder brother, escaped into Holland, and took up his abode in Amsterdam, where he married that pre-eminently beautiful lady whose portrait is now in the possession of Col. Benjamin Faneuil Hunt, whose mother was Jane Bethune, a daughter of Mary Faneuil. Andrew, before many years, came to this country as early as 1709. In Holland he acquired his passion for flowers, which he gratified in his seven-acre Eden. He acquired a large estate, which he distributed among the public funds in France, England and Holland. He died February 13th, 1737. Benjamin Faneuil, his brother, was closely associated with that little band of Huguenots, who clustered around about the town of Narragansett, at the very close of the 17th century. In 1699, he married a French lady, Anne Bureau. The transcript is thus, in French (translation): 'The 28th July, 1699, Benjamin Faneuil and Anne Bureau were married at Narragansett, in New-England, at the house of Mr. Peter Ayross, by Mr. Peter Daillé, minister of the French church in Boston. Benjamin Faneuil, the *præpositus* or stirps, became the father of eleven children by his wife, Anne Bureau, all born in New-Rochelle, in the State of New-York. Peter, who was the donor of Faneuil Hall, was born 20th June, 1700.' Benjamin, his brother, and maternal grandfather of Col. Hunt, was born December, 1701. He was a merchant and frequented England and France. Peter died in 1742-43, and left a large possession, which fell to his brother Benjamin, who survived until October, 1785, when he also died. He resided at Brighton, near Boston, and was two months less than eighty-four years old when he died. He had for many years





Engraved by J. C. Buttre from a Daguerro-type

Benjamin Franklin Hunt

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TILDEN FOUNDATIONS

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purpose and confidence of future success, that his mother was induced to furnish the necessary means to defray the expenses of his academical and collegiate education. Accordingly, in 1806, he entered Harvard University, and four years afterwards, in his twentieth year, graduated. His health being delicate, and his family physician advising that a warmer climate could alone save him from consumption, a disease which had carried off all his brothers, he removed to Charleston, South Carolina, which has ever since been the place of his abode. On the first day of November, 1810, Mr. Hunt reached this city. He brought with him a good education, a few letters of introduction, a mother's blessing and a determination to succeed. His reception was marked by the proverbial hospitality and kindness of the place; but intending to become a citizen, he at once determined to put aside the claim of guest and take his place on an equality with others in the competition of usefulness and honor. The late Keating Lewis Simons was, at that time, a distinguished lawyer at the Charleston bar. Mr. Hunt entered his office for instruction, and, during the time of his studies, no student perhaps ever worked more faithfully. With classical studies he was familiar, from the excellent training of his particular tutor, the late Professor Frisbey. After two years' study, Mr. Hunt applied for admission to practice law, and was duly admitted to the bar. To a less resolute and hopeful mind, the opening prospect would have proved anything but inviting. Eminent men crowded the Charleston bar; and, for most of them, family wealth and parentage had done quite as much as intrinsic merit. Mr. Hunt saw this, and his friends were so discouraged at his prospect, that they even advised him to abandon the vain hope of breaking through such an array of established practitioners and leave the metropolis for some less thronged theatre.

prior to his death, adopted his grand-daughter, Jane Bethune, the mother of Col. Hunt, who became his reader and amanuensis, and thus acquired an early knowledge of the realities of life, and acquired those clear and strong views of its obligations and duties that so peculiarly marked her character and rendered her one of the best examples of 'an old-time lady.' On the birth of her son, she gave him the name of her venerated grandfather." The following description of this patriarch is taken from a description attributed to a distinguished writer of the article, "Dealings with the Dead." Speaking of Benjamin Faneuil, he says: "This veteran had been a generous liver all his days. He was not a man whose devotion was abdominal, whose God was his belly. He was no anchorite in this species of devotion, but as an advocate for social worship, he was pre-eminently hospitable. For more than forty years from the period when Peter's death afforded him the means, his hospitality had been a proverb, a by-word, but never a reproach. There was a refinement about it. It was precisely such hospitality as Apicius would have practiced had Apicius been a bishop. His appetite never forsook him. He died suddenly; ate a cheerful dinner on the day of his death, and went not to his account on an empty stomach, a nephritic malady occasioned his decease."

His grand-daughter also attained the venerable age of eighty-three, and lived to see her son and her son's sons gathered around her, and retained her early acquired habit of reading until a few months of her death, in 1846. She was a lady of unusual firmness and good sense, and of great decision of character. She continued even in the evening of her days an example of the dignified manners of the age in which she was educated, and her mansion was the cherished resort of her relatives and friends, young and old, and she carried to her tomb the love and veneration of her posterity and the profound respect of the community which she adorned by her excellent judgment and uniform kindness and benevolence.—E.

He differed with them however, and argued that the ability of his antagonists would rather tend to sharpen than discourage his faculties and stimulate his exertions; that the people were his family, and he could always find relations enough among them to supply the necessary amount of professional business. Nor was he mistaken. Just at this time, a new order of things was taking place in South Carolina. The agricultural interest, though not less extensive than before, was not the only one of importance. Family influences, if not passing away, were then becoming less material, and Mr. Hunt felt that he had that within him which, in the legal conflicts likely to arise, would enable him to become a bold and efficient advocate. Such a reliance implied great mental courage on his part. It will be seen that he neither misjudged himself nor mistook events. Soon after his admission, Mr. Hunt found opportunities of coming into collision with some of the most distinguished members of the bar, and instead of lingering for years on the outskirts of the profession, he was almost at once entrusted with the management of important cases. It is a truth, now, as then, that lawyers and doctors are employed not so much from favor, as a security to the lives and estates of those who employ them, and when either of these is at stake, those interested are not slow in discovering *where* the most available assistance is to be found. Mr. Hunt was already pointed to as one of those young men who had determined

• To scorn delight and live laborious days,"

and his fellow-citizens did not miscalculate in supposing that their business would be properly managed when entrusted to his care. Unusual success attended his efforts, and, while the profession were literally bewildered to learn why such favorable issues attended most of his cases, the public, not regarding the reason, but only looking at the result, steadily increased its patronage. Envy and malice are the shadows which usually follow success, and the former redouble as the latter increases. Such was Mr. Hunt's case. The young man, whom it was safe to smile upon, while struggling up the professional ladder, was now reaching too crazy a height, and professional brethren were not wanting who were willing to bring him back to reason by stopping his too rapid ascent. "Kill or cure," was the practice suggested for the patient; nor were those wanting who were ready to administer the prescription. As Mr. Hunt had been brought up in a society where "private war" was seldom resorted to, his forbearing temper was, perhaps, too much relied upon. It became necessary to disabuse his opponents on this point at once. Accordingly, he made up an issue with them, invited them to the field, and proving the better marksman, his weapons have been permitted to rust ever since, and he has prided himself upon healing the controversies of his friends by an open, candid admission when wrong, united with a firm resolve to suffer no injustice himself nor permit others who confided in him to do so.

Mr. Hunt now found that he had taken a vantage ground, to maintain which demanded ceaseless vigilance and industry. If dangers, however, surrounded him—if sometimes he doubted whether friends would stand true to him, he did not quail, but, falling back upon himself, he sus

tained himself in the rule of the wise man—"Take counsel of thine own heart, for none can be more faithful unto thee."

In 1818, Col. Hunt's popularity* had increased so much that he was elected to represent Charleston District in the state legislature. In this capacity he has, at intervals, served his fellow-citizens to the present time. Nor have his services been without eminent advantages to the jurisprudence of the state. The act of 1822, requiring the legislature to sanction every act of emancipation, has wisely brought the whole matter under the control of the whole state, and put an end to the death-bed follies which servants were able to induce by working upon the imbecilities of owners. The wisdom of this act has been abundantly manifested in the increased peace and order of the slave in his relations with those around him.

Mr. Hunt was also successful in procuring the abolition of the old common law rule, confining debtors, admitted to jail bounds, to within a hundred yards around the jail walls—a cruelty perfectly gratuitous, as it moved the unlucky debtor from his home, and compelled him to remain in idleness and want, and without the power of exertion. He finally succeeded in having the limits extended to the boundaries of the judicial district—an amelioration which has greatly diminished the suffering of the unfortunate without impairing the rights of any one. But to proceed with Mr. Hunt's professional career. To the well-read lawyer, Mr. Hunt's numerous legal triumphs are familiar. A brief review of some of them, however, may not prove uninteresting.

The *State v. Antonio*, for coining, was among the first cases that established his reputation at the bar. From design or blunder, the reporter has placed another name instead of Mr. Hunt's as the counsel engaged in the management of the suit. The case was tried in the Appeal Court as early as 1816, while as yet Mr. Hunt had only been three years at the bar. At that day, instead of a simple "concurrence," each judge was required to deliver his own separate reasons for his decision. Antonio was indicted for coining a silver dollar, the current coin of the United States. Coining, under the state law of 1785, anterior to the constitution of the United States, was punishable with death, but the act of Congress punished the offence with only imprisonment. To save the life of the prisoner, it became important to remove the case from the state to the United States Court. Mr. Hunt made the attempt, which was considered almost ridiculous by a majority of the bench and bar. His argument, however, arrested the attention of that acute and able ornament of the Carolina bench, Judge Nott, who, against the opinion of all the other judges, sustained Mr. Hunt's position, not only as

* On the declaration of war in 1812, Mr. Hunt aided in organizing a company, which was drafted, during the war, into the service of the United States, and throughout its continuance faithfully fulfilled the responsible duties of his command. He successively rose through the intermediate grades, and about the year 1818, was promoted to the colonelcy of the sixteenth regiment, and served in that capacity nearly twenty years. Since then, Mr. Hunt has been popularly and familiarly known as "Colonel Hunt." In his military position he has always manifested the characteristic traits of energy, fearlessness, and ability, both as a soldier and a tactician, that have so singularly distinguished him as a lawyer and a legislator.

to the jurisdiction of the court, but for a new trial. This opinion being overruled by a majority of the court, Antonio was sentenced to be hanged. But Mr. Hunt was bent upon saving the prisoner, and he was not to be baffled in his purpose. Casting about for a remedy, he fearlessly entered a prosecution against his client in the United States Court, charging him as guilty of counterfeiting the current coin of the United States, and caused application to be made to Judge Johnson, of the Federal Court, for Antonio's arrest. The application was granted, and a collision arose between the marshal of the United States and the sheriff of South Carolina as to who should hold the prisoner; the former to have him tried, and the latter to have him hanged. The case was a novel one, and, from the daring position taken by so young a practitioner, and from the ability with which he fortified it, great excitement was created. In this dilemma the pardoning power of the governor was appealed to, when he, appreciating the correctness of Mr. Hunt's position, granted a free pardon to the condemned, and the necessity of executing the *Habeas corpus ad subjiciendum* was prevented.

In Nott and McCord's Reports for the year 1819, page 546, is the case of the State *v.* Heyward, for perjury. Mr. Hunt's argument shows how scientifically he had studied his profession. So strong and well sustained was his position, that Judge Cheves reversed his own decision on circuit, and arrested the judgment.

In the same Reports, page 132, is another important case, displaying Mr. Hunt's legal ability. The question involved the liability of the owner of goods received at an intermediate place for *pro rata* freight. Mr. Hunt obtained a verdict for his client against Lorent and Steinmetz. From this, Mr. Simons, his former preceptor, appealed, and, although opposed by such formidable talent, Mr. Hunt sustained his verdict.

In the case of Gough *v.* Walker, (Nott and McCord's Reports, page 469,) involving the question, "whether a renunciation of dower must be recorded to render it valid," Mr. Hunt did not only succeed in reversing the circuit decree, but evoked from Judge Cheves, in his dissenting opinion, a high encomium on the argument of counsel.

The Reports of Nott and McCord for the years 1819 and 1820, contain a large number of cases involving a variety of complex questions, in most of which Mr. Hunt had a part, and always appeared to advantage.

Although Mr. Hunt has been so frequently censured for making constitutional questions, he has nevertheless seldom failed in them. In Harper's Reports, are several cases famous in their day. In Dunn *v.* City Council of Charleston, page 189, he procured a prohibition against the city, because the state law was unconstitutional, taking the whole lot of an individual to widen a street, when part only was necessary, and the city attempting a speculation on the residue. This was in 1824. It met the high encomium of that eminent jurist, Justice Nott, (see page 195,) the whole of whose decision is the most perfect specimen of constitutional argument in our books, and worthy of the careful study of every lawyer.

The case of Singleton *v.* Bremar (Harper 201) is one in which Mr. Hunt was matched against the reporter, the late Chancellor Harper, one of the ablest men at the Carolina bar.

The case of *Marshall vs. White* (page 122) involved a question novel in South Carolina, as to whether the right to a pew in a church was real estate which was decided in his favor.

The case of *John Stoney vs. The Union Insurance Company* (Harper's R., p. 235) is somewhat characteristic. Mr. Hunt had obtained a verdict, and the court ordered a *new trial*; when a verdict was a second time rendered against the charge of the judge. At the next trial, the Judge (Huger) instructed the jury, that the case had been decided by the Appeal Court. Mr. Hunt told the jury "that unless the judge granted a nonsuit he had no right to *dictate* a verdict, which twelve men were to *swear* was a true verdict." The jury a third time found for his client. Upon this another appeal was made, and the Appeal Court again ordered a new trial, Mr. Hunt still insisting that the court was wrong, and so said the jury. When the case came up once more, it was argued in May, and Mr. Hunt requested the court to take the interval to the winter sitting, to read his authorities. In January, Judge Nott, who was appointed to write the decision before the court opened, called Mr. Hunt and handed him what was intended to be, the opinion of the court, now sustaining the verdict, but strange to say, the judges, who had not studied the case, refused to concur. A new trial was therefore ordered, and a new verdict obtained. This time the appeal court was changed, and consisted of three justices: Judge Nott presiding, and Colcock and Johnson associates. Judge Johnson, however, being sick, Judge Huger supplied his place, and two being a majority, Judges Nott and Huger, who had both been convinced, *refused* a new trial, and Mr. Hunt recovered the amount from the insurance company.

It is curious, that Mr. Hunt has seldom had any associate. Most of his cases have been argued by himself, and generally from his original notes. The case of the Medical College (2 Hill's Reports, 368) is one illustrating the tenacity with which he adhered in the appeal court to his first view of his client's case. His arguments are not crowded with a parade of obsolete legal learning. He ascertains what legal positions the facts of the case give rise to, and these he maintains by a close application of the principles of the law sustained by the decided cases.

His practice in the court of equity kept pace with that at law. Among his first cases was a bill filed by McBurney against Dillon. Dillon was a surveyor, and was employed by one Thompson to survey the present site of Walterborough, and pass it to a grant under the location laws of South Carolina. Dillon made the survey but took out the grant to himself, and the bill was filed to *set aside* the grant as fraudulent and void, and raised the novel question, "whether the judicial power extended to setting aside a grant under the great seal?" In England, it was conceded that it would not, but Mr. Hunt insisted that no such deference was due to wax and parchment, and there was no majesty so high as to sanction fraud. Opposed in this view by some of the oldest and most learned solicitors, he successfully maintained his position. The grant was declared void, and McBurney got his title to the village as heir of Thompson.

A notice of a few of his cases before the court of equity, will serve to show his mode of reasoning. The case of the Vestry and Wardens

of Christ Church *vs.* Thomas Barksdale (Strobar's Equity R.) exemplifies his way of stating his propositions. A majority of the vestry of one of the oldest established Episcopal Churches in South Carolina, removed in the summer to a sea-shore residence. There, they erected a summer church, and invoked the patronage of the old church, protesting they would *not interfere with its funds*. But by dint of getting a majority in the vestry, they applied a long-established charity to purposes unknown to the donors. Mr. Barksdale, a descendant from the old stock, resisted, and Chancellor Dunkin ruled in favor of the powers that be—the modern vestry, stating, “that a complete remedy exists through the quiet remedy of the ballot-box.” Mr. Hunt, before the appeal court (page 208), replied, “that the reference to the ballot-box is unfortunate in a case where the *law* is appealed to to protect the minority, which is its most honored function.” This case he insists was a perversion of the law of public charities. There it stands, however, and when no pressing antagonistic prejudices shall longer exist, this case will remain a simple, but characteristic monument of his claim to his professional rank.

In the celebrated case of Pell and Ball, Mr. Hunt occupied a distinguished part. Mr. and Mrs. Ball both perished in the Pulaski, a steamer blown up at sea. No witnesses saw either actually perish. The wife, however, was heard screaming for her husband, but amid the general confusion, no one could find him. On the fact, “whether the wife or husband was ‘the survivor,’” an estate depended. This fact, a single judge undertook to decide; not by direct testimony, for there was none; but by the civil-law style of arguing. The opinion of Chancellor Johnson ruled, “that the husband probably perished first, because he was a man and quietly went about to seek a rescue, and that his screaming wife, being the last ‘heard from,’ was the survivor, and the estate, thus vesting in her during the few seconds they were in ‘*articulo mortis*,’ went to the wife’s representatives.” Mr. Hunt insisted that estates ought not to pass on such pure conjectures, and his argument is submitted to the profession, and the good sense of the public, as conclusive.

The next branch of this prolific case is in 1 Richardson’s Chancery R. 361, and 419, in which the jurisdiction and practice of the court of equity are directly called in question. Mr. Hunt in that court challenged the circuit decree of Chancellors Johnson and Harper, that an appeal from the circuit decree did not *per se* act as a supersedeas. He waived all British authorities and relied on the statute of the state establishing the appeal court. Judges Johnson and Harper placed their decree on the cases of Riggs and Murray, Green and Winter, (3 Johnston’s Chan. cases, 70, 160,) “that an appeal does not suspend the execution of a decree, and until reversed, it operates as a full authority to the officers acting under it” (p. 366). Mr. Hunt challenged this, as a decision in the very teeth of the law of South Carolina, and the express rule of the court, “that no execution to enforce a decree could issue until thirty days after the final decree of the appeal court.” Nevertheless, it is true, that he proved to demonstration that neither of the chancellors had *ever read* the case on which they relied as authority, for it was exactly an authority the other way, but in no manner was it an authority in South Carolina,

whose own laws ruled the case.* The bold manner in which Mr. Hunt charged the court in this case, with clear and palpable error, may imply that he is no favorite with the bench. Such, if true, may be accounted for in the fact that he believes the election of a man to the bench, if he is of fairly balanced intellect, may strengthen his resolve to mete out equal justice to all, yet he has always denied that it conveyed any such exemption from intellectual or moral infirmities that admit no possibility of error. Believing all men liable to the infirmities of our nature, from which even an election to the bench does not entirely exonerate them, he has seen too many instances in which personal antipathies, or personal predilections, if they have not corrupted, have misled. That judges have listened to tales *outside* the sanctuary, affecting the moral justice of cases that never could have passed legitimately its *threshold*; thus the scales of justice become uneven, and her bandage becomes mesmerically luminous, and enables a judge to see who will gain, and who will lose by his decree. No honest lawyer, who is not afraid to tell the truth, can deny that he has seen favored lawyers who will exercise undue influence beyond the law and the facts, or that judges have sat in judgment on the rights of men, who stood a better chance than absolute indifference would have left them. It is within the range, at least of possibility, that a judge may be so self-confident in his own integrity, as to sit in judgment when his relations to the party would render a man who possessed a more nervous conscience, to distrust himself, and in all such cases, a lawyer owes it as a duty to warn him, and by ceasing to push himself into such cases a judge may at least "avoid the appearance of evil." Let each lawyer say, if he has not often calculated "who would hold the next court," not purely to select the best talent, but to get a judge whose prepossessions at least are not adverse.

Mr. Hunt has never asked any other favor than to be listened to, by a court willing to get at all the facts, and weigh all the legal authorities and principles adduced. When so treated he has never come in collision with any member of the bench. It is true, he speaks plain English, and intends to speak the truth, and no one rejoices more in repairing an inadvertent error; but he can never be turned aside by mere power or fear of consequences. But when a judge refuses, with cold indifference, to answer his positions, or even rule against him, he is certainly rather impatient, and does not often fail to indicate it very unequivocally. The slightest exhibition of arbitrary power by a judge raises his indignation; and some of his finest bursts of eloquence have been on occasions of this kind. He maintains that judges are the paid servants of the people, not the owners of judicial authority; that the bar represent the people, "their well-approved good masters," and are entitled to a patient and respectful hearing, and to a fair and impartial decision, without favor or affection; and that true judicial dignity is most surely obtained by an upright and civil performance of judicial functions. He insists, therefore, that a lawyer is as much a public functionary as a judge, and in his place equally independent. His argument, at page 382, gives an almost ludicrous view of the gravity of quoting a wrong case. The late Mr. Bailey, attorney-general,

* See note at end of memoir.

supported Mr. Hunt in the same case, and, at page 384, confirms the position that the court was "right wrong." These two branches of the case of Pell and Ball place Mr. Hunt where his friends are willing to leave him.*

In relation to the equity jurisdiction, to which he prefers to limit his practice, he regards the system of South Carolina as wholly behind the age. The necessity of requiring a defendant to answer on oath, and thus purge what he may not possess—a conscience—is absurd. His testimony, if voluntarily asked for, is required at peril. But to extend to every defendant a right to answer all direct allegations, is only equaled by the still greater absurdity which gives to such an interested answer not only the effect of ordinary disinterested testimony but even renders it conclusive, unless controverted by two positive witnesses, or one with corroborating circumstances. This iniquitous rule, which has banished more than half the practice from the court, is a remnant of monkish pretension. The defendant is supposed to be put to his purgation by the interrogatories of the bill, and his father confessor, the court, is supposed to scour him out, and exhibit the truth of what he knows, believes, or has heard. As Chancery is no longer a court of conscience, but a place to administer the *law*, according to the more comprehensive rules of equity, Mr. Hunt considers such proceedings the merest folly. He objects also to the very unsatisfactory mode of obtaining testimony. Under existing circumstances a master or commissioner is neither a judge nor a jury, and has no right to give his opinion on testimony, although it is the practice to do so. He should simply record facts, otherwise it only acts as an excuse for the judge to avoid the responsibility of deciding himself, and places suitors in the power of a weak, prejudiced, or ignorant master. He maintains that it is still more against principle for the appeal court to refuse to review a decision of the master, on facts, when the circuit judge coincides, which he may do to avoid the necessity of a strict consideration of the case. It is this very imperfect mode of ascertaining the truth of facts that destroys public confidence in our courts of equity. Mr. Hunt very properly maintains that if the defect is not remedied the court will be superseded, and its rules and principles retained to be applied to facts more satisfactorily established.

Mr. Hunt's views on the subject of special pleading are equally clear and simple. He holds special pleading to be a severe logical system. But, as lawyers and judges are not always strict logicians, its rules are so liable to be perverted and turned to purposes of chicanery, delay and false issues, that it has degenerated into a wretched system of pro-

* The case of the state of South Carolina against the banks of that state, reported by the late Attorney-General Bailey, contains Mr. Hunt's argument in full in that case. The question was, whether the suspension of specie payments by the banks worked a forfeiture of their charters. This argument states fully Mr. Hunt's views of the nature and obligations of bank charters, and was well considered by the Court of Errors, who sustained his position. In this case the attorney-general exhibited his extensive learning and great power of argument. Colonel Hunt was associated with him by the governor of the state. The report of this case, with the arguments in full, occupies a large octavo volume, and was published by order of the legislature of South Carolina. The case was one of great importance, and comprises all the law of banking and bank corporations, and as such, is extremely valuable to the mercantile as well as to the legal portion of the community.

fessional and technical speculation.* In the beginning, pleadings were settled by the judge from the oral statements of the litigants. But when pleading was committed to the lower orders of the law, it became a science of quirks and quibbles, and even all the learning of the English bench has been unable to save special pleading from universal and well-merited obloquy. Nor would Mr. Hunt destroy the old plan without a remedy. He prefers such rules of practice as will present the points at issue plainly and clearly, and especially notify both parties what they are to litigate, and thus avoid the trickery of snap-judgments and nonsuits on points not affecting the true merits of the case. In short, he esteems the law too grand and elevated a profession for its members to devote so much of their time and study to low trickery and disingenuous prevarications.

In his arguments, he insists that the great requisites in a good judge, is a proper appreciation of facts. The habit of catching at an isolated fact and applying it to some old legal saw is the very characteristic of a self-important and downright pettifogger. A case is no more dependent on one fact than the countenance is on one feature. There may be, and is, in all faces, one leading outline, but the full expression and character depend entirely on the grouping of all the parts. It is so much easier and saves so much labor to seize on one fact and one familiar rule than to compare all the facts with all the rules and the proper deductions, that inferior minds seldom take such trouble. The instance of Lord Eldon is an admonition in point. He doubted, and reviewed, and reconsidered all his cases carefully, but he said that, "although he may have delayed cases, he felt a satisfaction in the reflection, that he never took an estate from one who was justly entitled to it, or gave one to a person who had no good right to it." Mr. Hunt often illustrates this truth by bringing up cases which, at the first blush appearing hopeless, are listened to with impatience by those slightly considering them. Although there may appear an air of boldness and novelty in most of Mr. Hunt's legal positions, as presented in the books, yet, when well considered, they will be seldom found to deviate from the sound rules of law.

Among his most successful cases was the celebrated "Jewel case," argued in the Supreme Court of the United States. In this case he was matched by that accomplished lawyer and scholar, the late Attorney-General, Hugh S. Legaré. Mr. Legaré admitted the case to be a fair trial of his strength. Sanguine of a complete triumph over Mr. Hunt, he stated to one of the judges of that court, that "if there ever was a

* It is a somewhat singular fact, that over three-quarters of the decisions reported in the older books were decided and adjudicated on purely technical grounds, involving merely the niceties of special pleading, without in any way touching or affecting the merits of the question at issue between the parties. In this way the blunders of the lawyer must be paid for by the client, perhaps in ruin and desolation. There are many instances on record, where judges have confessed that their decisions have worked great hardship, and, upon the facts, perhaps, should have been decided the other way. Every lawyer familiar with the old reports will perceive at once the truth of the above observation, and the correctness of Mr. Hunt's views on this subject. The doctrine of *stare decisis* is at once wholesome and injurious. An enlightened judiciary can alone discriminate between the evil and the good, aided by the sound views and practical experience of able lawyers and jurists.—Ed.

case suited to his powers it was this." After a full argument, in which he had the reply, Mr. Hunt was successful. The case was briefly this: "Jewel in early life, being a Jew, intermarried with a young refugee from St. Domingo, and lived with her upwards of twenty years, during which time they had born to them, seven or eight children, who became grown-up and respectable men. She lived in Charleston with him, and was always called and treated as his wife, even to the execution of a release of dower, on the sale of some real estate. But the actual ceremony which took place thirty years before the trial, was not the subject of written proof. After aiding in accumulating his estate, she, growing old, Jewel married again according to the full ceremonies of the Jews, a young Hebrew, by whom he had several children. He lived with his last wife in Louisiana, but on a voyage returning from New-York, he was drowned at sea." The question was, "who were the heirs at law of his estate?" In a word, "which set of children were legitimate?" both having acquired great respectability. A case in ejectment, for a trifling piece of property made the case. The verdict was for the first set of children. An appeal carried the case to Washington, and involved the whole question of lawful marriages. Mr. Legaré brought all the rich resources of his legal learning to the case, and felt sure of success. After the opening for the appellant, one of the ablest lawyers of the New-York bar, then attending at court, said to Mr. Hunt, "You will lose this case!" Mr. Hunt's reply was: "*Audi alteram partem.*" When Mr. Hunt had concluded an argument of two days, the critic began to question his prediction, and the opinion of Judge Taney settled his doubts. The contemporaneous opinions of the press abroad, to whom Mr. Hunt was an utter stranger, are the best evidence of the effect of this forensic effort. Of the interest which this case created at the time, and of the able manner in which it was conducted, argued and decided, all the Washington correspondents at the time, speak in high terms of appreciation. A writer in the United States Gazette thus describes it: "Mr. Hunt occupied the whole of yesterday, without concluding, in an argument which, for beauty and terseness of language, cogency of argument, force of reasoning, profoundness of research and legal learning, has rarely been surpassed, even in this theatre (if I may be allowed thus to express myself), where the great minds of the nation meet and grapple in manly and generous conflict."

Under circumstances highly flattering to his reputation, Mr. Hunt has also been called to argue cases out of the state. He has extended his practice to Georgia, where he was employed in a very interesting case: that of the Executors of Wightman *vs.* Dewes, in which the present Judge Berrian, then at the bar, was on the other side. In Newark, New-Jersey, he also argued the case touching the will of the late Thomas Gibbons, assisted by Judge Hornblower and Governor Pennington, of that state, and opposed by David B. Ogden and George Wood, of New-York, two of the ablest lawyers in the United States. The case excited deep interest, and to the bar there must be referred the character of his argument.

He was also engaged in the City of New-York in the case of Stoney against Dudley and Stuyvesant, and established the first mortgage, although unrecorded, against the subsequent one to the Josephs and

others, and thus secured twenty valuable lots of ground to his clients. The bankrupt case of Laffan and Redmond, he argued before Judge Betts in the same city, and again sustained the reputation of the Carolina bar. Last year, before Judge Woodbury, at Boston, he argued the case of *B. D. Herriott and Son vs. Assignees of Smith*, affecting directly the question of cash purchases on the eve of insolvency, and succeeded fully to the extent of the fund. Generally, however, he has confined his practice to the courts of South Carolina and to the Supreme Court of the United States.*

In Washington he is on neutral ground, and takes his appropriate stand free from all local predilections or prejudices, for the impartiality of strangers is more reliable than opinions formed by rivals.

But in citing cases in which he has appeared, we only weary the attention of our readers. Clear as the demonstration appears when committed to paper, it is only when the mathematician himself works out his problem that all its beauty and logic are apparent. So with Mr. Hunt. To appreciate his full powers, he must be seen and heard on some great occasion. No matter how high public expectation may have been raised, he has never been known to fall below it. What, it may be asked, has given him such power? The answer is plain. A mind singularly active and full of natural strength, and withal so well trained

* The case of *Lambert and Brothers* against the ship *Martha* and owners, in admiralty, argued before the Supreme Court of the United States at Washington, during its last session, and decided recently by that court, (though not yet published,) was the last distinguished legal triumph in Mr. Hunt's career. The District and Circuit Courts at Charleston, in a case of libel in admiralty against *Abraham Rich* and others, owners of the ship *Martha* of Boston, alleging damages sustained by the cargo in a voyage from Liverpool to Charleston, condemned the vessel to be sold, and the amount of damages ascertained by the register, and all costs of the litigation, to be paid out of the fund. Col. Hunt contended that the injury to the cargo was caused by sea risks, excepted out of the bill of lading, and was a loss to be borne by the insurers, and not by the owners as common carriers. The court below having very peremptorily overruled him, the case was carried by appeal at once to the Supreme Court of the United States at Washington, where it was argued in February last, by Mr. Hunt, and Mr. George Evans, of Maine, for the appellants, and Mr. Coxe and Judge Butler, of South Carolina, for the appellees. The case at circuit had been carefully prepared by B. F. Hunt and son, the proctors on record. Twenty witnesses from Boston, and as many from New-York, comprising the most experienced officers of insurance companies, masters of vessels, and importing merchants, were examined by them upon commission. After the circuit decree, one point, the seaworthiness of the vessel at the time of leaving Liverpool, was still further fortified, by issuing a new commission, read for the first time in the Supreme Court, according to the admiralty practice. The reply on the argument fell to Mr. Hunt as senior counsel. His success was as astounding to the bar and mercantile public in Charleston, as it was in itself complete. All the judges, except the judge whose decree was reversed, united with Mr. Justice Nelson, who read the decision, in reversing the decree of the court below, and on the precise grounds taken on the appeal.

It is the intention, we understand, of Mr. Hunt to devote himself hereafter to practice in the Supreme Court of the United States at Washington, and have a resident associate there to prepare business, as that city is more accessible than many districts of his own state. His efforts in that court, have hitherto been almost uniformly successful, and conclusively attest that it is the tribunal where long experience and professional industry will ever find the most adequate remuneration.—Ed.

by constant and judicious exercise as to improve by art all that nature ever gave it. Quick to perceive, ingenious to plan, bold to execute, always hopeful, willing, and able to encounter either mental or bodily labor to an almost incredible extent; not exultant in victory or cast down by defeat—these are the elements that would make any man great, and are characteristic of the subject of this memoir.

The same traits which have marked Colonel Hunt's professional career belong to him as a legislator. On entering the legislature of South Carolina, after an interval of some years, he was placed at the head of the committee on Federal relations. To this committee all matters concerning the laws and operations of the general government are entrusted, and his reports upon the leading questions of the day—the tariff, the tenure of the presidential office, and the distribution of the sales of the public lands, are elaborate and well written, and have been received as texts-books of states-rights' democracy.

On the subject of the tariff, he maintained the doctrine that the general welfare clause gave no sanction to protection; that it was a fraud upon the donors; and a breach of trust to distribute the sales of the public lands among the states, expressly given for general and national uses. He maintained that to render an incumbent ineligible for a second term of the presidency, was in fact to fetter the people, who have a right to elect whom they please, and that a faithful discharge of duty to their satisfaction ought not to be a disqualification, since in time of war it might be vitally important to avoid any executive change.

He maintains the wisdom of placing a qualified veto, as designated by the constitution, in the president, to protect the public from ill-considered and hasty legislation; that the president being the chosen representative of the people is the proper guardian of their interests; that if two thirds of Congress will not sustain a measure, by him considered of doubtful constitutionality, it is safer to give it up.

In 1842 Colonel Hunt retired from the committee on Federal relations, and was made chairman of the Judiciary committee, by far the most important and responsible office in the state. With the exception of a single term, he has presided over this committee ever since.

Of Mr. Hunt's usefulness as a legislator, not a session passes without evoking from every quarter the highest commendation of his labors. We never knew a man who represented his constituency more faithfully, and we very much doubt if there ever was a legislator who attended to his duties more industriously, and with greater usefulness. The following, from the Winyaw Observer of 1842, published in Georgetown, South Carolina, is a tribute of praise, in the justness of which every member of the South Carolina legislature will unite:

"Colonel Hunt is one of the most useful, able, and efficient legislators we have ever known—a real *working man*, as his many able, instructive, and, we believe, always successful reports at the two last sessions most amply evince;—indefatigably industrious and persevering, remarkably clear-headed, sound-principled, and well-informed; never speaking or acting but to enlighten the subject, and excite the interest and respect even of those who differ from him, and never wasting a moment either of his own time or that of the house. He is truly a

most valuable acquisition to the legislature—a man to whom the whole democratic people of the state may well feel deeply grateful for his most able and efficient labors in their cause, both in and out of it, and whose public services they might well deeply regret the loss of—a loss we trust they will not soon have to experience.”

The constitution of South Carolina contains many anti-democratic features, against which Mr. Hunt has been battling for years. One of the most objectionable is the life tenure of judges. He holds that age ought not to prove a disqualification. One man is older at fifty than another at sixty; but a life tenure is a violation of all the analogies of a republican government. We choose a governor for two years, a representative for two years, and a senator for four years. These last make the laws, but a judge holds for life. This is wholly against principle. Each generation has the right to choose its own rulers, legislative or judicial; but a judge, elected twenty years ago, may still hold office when the generation that elected him is gone. The people alone continue sovereign. A man is chosen a judge before he is *tried*. He may disappoint all expectations, and yet he is fastened on the state for life, without the people having any redress. He ought, at least, to pass a probation. The people seldom do any lasting wrong. All their interests prompt them to select pure and able men. If judges were responsible, at intervals, to the people, they would be careful to *deserve* re-election. Independence in the judiciary is desirable, but the advantage of being independent of the *sovereign power* itself is not so clear. In time, people will wonder why they adhered so long to a thing thus against principle, as to except judges out of all other magistrates. A life tenure is purely a monarchical feature in our jurisprudence. Senators, representatives, and governors, are trusted no longer than four years without being again approved by the people, and yet we perpetuate a judge, perhaps elected to get him out of the way of an impatient aspirant to his official emoluments of practice. There he must remain through a long life, perhaps an incumbrance to the administration of justice, and an example of the lingering love of our people to the aristocratic and monarchical usages of our English progenitors. Col. Hunt holds the life tenure of judges a practical reproach upon the provisions relative to all the other chief agents of the people who are periodically called on to give an account of their stewardship. He regards it as demonstrating how slowly republican principles supplant monarchical practices in the conservative State of South Carolina, and how hesitating some men still are of the ultimate good sense and true conservatism of a free and educated people.

Mr. Hunt has been frequently called upon to act the orator on public occasions and at popular gatherings. He has never failed to satisfy. Nor has the satisfaction been confined to his spoken addresses only; he is equally successful in print. One of his most elaborate orations was that before the Washington Society of Charleston, delivered on the 4th day of July, 1839. In expansiveness of thought, philosophy of reflection, force and vividness of expression, in the clear development of the causes which have produced the American Revolution, and in the wise exposition of the best means of perpetuating its principles, this will well compare with any similar production in our country.

In 1840, Colonel Hunt was invited to address a mass meeting of the democracy in the Park in the city of New-York. His speech on that occasion elicited the highest commendation from friends and foes. It was delivered at the same moment Mr. Webster addressed the merchants of the same city at the corner of Wall and William streets. Indeed a portion of Mr. Webster's speech was struck off and handed to Mr. Hunt while speaking on that occasion. A few days after this he addressed the democratic young men of Boston at Faneuil Hall, and made what his friends considered one of his best efforts. Even the whig papers admitted that it put their party to their best to reply to it; and the reputation of the speech was followed by another invitation to appear on a similar occasion before the democrats of Salem. At New-York, from fifteen to twenty thousand persons attended to hear him, and all who were present speak of the triumphant manner in which he acquitted himself. Of the Boston speech, the editor of the Charleston Mercury thus writes:

"At the great meeting of our Massachusetts friends the other day, Mr. Woodbury, 'the Rock of New-England Democracy,' made a speech which was powerful in its effect, and which, to judge from a report that professes to be no more than a mere sketch, must have been unusually interesting, insisting as it does upon that equality which involves the simple justice, which is all the South demands, and which usurpation would hazard the Union in withholding, by making the confederacy a burden and curse instead of an advantage and a convenience to the several states which ordained it. We wish it had been fully reported.

"He was followed by Col. Hunt, of this city, in a speech chiefly devoted to the Texas question, of which also we regret to have received no more than a meagre sketch, and which, judging *ex pede Herculem* was as successful and effective as Mr. Woodbury's. It was received with the greatest enthusiasm, and the Boston Times eulogizes the merits of Col. Hunt as a speaker very highly; but not a whit overmuch, as all who have heard him thoroughly warmed on a great political question can avouch, and which those who never having heard him will readily conjecture, if they will read his speech delivered in the Park at New-York, in which he met Daniel Webster upon every point of an elaborate harangue, and signally defeated him on all. The name of the old Hall Faneuil is part of his own name, and the kindred associations it excited, could not have failed to inspirit him on the late occasion. He ought to have his speech reported fully. He is always strong, even when wrong, and when right he makes a deep and lasting impression from the directness and true vigor of his language."

The speech was afterwards published and hailed by democrats all over the Union as a most noble and unanswerable vindication of their principles.

In 1844, while on a professional tour to Savannah, he was again called on to address the democracy of that place. The speech, which was published, did much for the cause in Georgia, and while the whig papers denounced the conclusiveness of its arguments, all of them admitted its ingenuity and force. The Savannah Georgian, a democratic paper, says that

"The speech of Col. Hunt did not disappoint his audience, and this

speaks volumes in its praise. It was one of the ablest efforts of the human mind which we have ever had the pleasure of hearing. He argued the propriety of the immediate annexation of Texas with a force of logic which could not have failed to convince any doubter who might have heard him. His remarks upon the character of the democratic candidates, and upon the nature of the present political contest, were just—all of them just and true to a word. The contrast which he drew between the two political parties of the country, in relation to their devotion to men and principles, was clear and striking. The whigs of the country, like the blind disciples of the Grecian philosophers, look up for direction to the *ipse dixit* of Mr. Clay; and when asked why they support this measure, or oppose that, their only answer is, 'The master says so.' It were useless for us to attempt to portray the power of eloquence and of argument displayed by our distinguished guest. When he had concluded, no one could have been surprised at the fact, that his voice had gone with more power to the hearts of the people in Faneuil Hall, than the voice of the great man of Massachusetts himself, and that Daniel Webster found a hard customer to deal with in this able Carolinian. What wonder is it that the people of Carolina are so proud of their great men?"

Within the present year, Mr. Hunt has been bereaved in the loss of his wife, a Carolina lady, whom he married early in life. She has left him three sons and a daughter. One of the former is his associate in business.

Col. Hunt's extensive practice and constant employment have chiefly absorbed his time, and in a measure restricted his opportunities for social intercourse. When, however, he does indulge in society, few men are more pleasant or entertaining. Full of information, racy in anecdote, and large in the experiences of the world, it is seldom that any one converses with him without learning something new and instructive.

He is now in his sixty-first year. His faculties are in unimpaired vigor, and time has only given additional impressiveness to a person, always commanding, dignified and manly. Of his early struggles, of the intrepidity with which he encountered and overcame them, of his numerous triumphs as a lawyer, of his usefulness as a legislator, of his splendid achievements as an orator, and of the manliness and independence of his character, we could add much to what we have already written. But we must forbear. When his full course shall have been run, those better qualified than ourselves shall gather the many memoirs of his life, and do them fitting honor before his countrymen.

NOTE, BY A MEMBER OF THE NEW-YORK BAR.

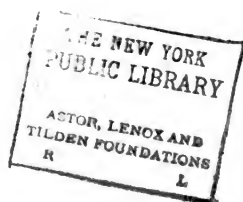
The novelty and the gravity of the charge made by Colonel Hunt and the late attorney-general, Mr. Bailey, who was alike distinguished for learning and accuracy, has induced us to look into this matter. If the allegations are true, they serve to illustrate still further the tenacity of Colonel Hunt in practising at all before a tribunal which can be so blinded by its antipathies, but renders the admitted fact of his unusual success still more remarkable, and imposes upon the friends of both Judges Johnson and Harper—and, indeed, all the court of error who signed the decree—no slight obligation to vindicate their judicial character by some conclusive refutation of the fact, that Colonel Hunt, or rather his client, Nonus Ball, wa-

denied the benefit of an appeal secured by the constitution of South Carolina, and that his lands and slaves were sold pending an appeal upon the very question whether he was entitled to have them delivered to him under partition! If true, South Carolina must re-organize her appeal system, or lose that precious reputation which she has hitherto sustained. Our knowledge of her courts of equity is chiefly derived from Chancellor De Saussure's first volume of reports. We there find both the acts of her legislature and her rules of court. By these it appears that, in 1808, the state was subdivided into equity circuits, and a court of appeals established. 1 Dess. Reports, p. 91-93, the law expressly provides "how appeals are to be made." The 25th rule, made two years after, is thus: "25. No execution or attachment for the enforcement of a decree shall issue until thirty days after the rising of the court during which such decree was pronounced; and if there be an appeal, then such execution shall not issue until thirty days after the adjournment of the court of appeals at which the cause shall be determined," &c.

If language has any meaning, the course of both Chancellors Harper and Johnson will render them liable in an action to this young man; and no title to his lands can be good under a sale so palpably illegal; at least no other civilized people would submit to so clear a wrong. We confess that the enormity of this case of Pell and Ball leaves us in doubt how we can trust our own conclusions; and yet, there is the report, and here is the rule. When we advert to the cases quoted from Chancellor Kent, in our own reports, our wonder is increased; for it is not to be questioned that no authority is found here that an appeal from the circuit is not a supersedeas, but the very reverse; and we fear that, instead of reading for themselves, these learned chancellors leaned too much upon counsel, who, in their own cases, are not safe judicial monitors. The decision would render appeals all but a delusion; and yet so scrupulous was South Carolina on this point, that in her very constitution she secured to her citizens the benefit of an appeal.

The case of Green *vs.* Winter (1st Johnson's Chancery Rep., p. 79) was heard in June, 1814; and the very point of the case, and all its authority, depends upon a statement of how the case came up. It was a petition, stating the previous proceedings, from the filing of the bill to the decree. An appeal had been taken, and the petition prayed "that the cause might proceed, notwithstanding the appeal." Chancellor Kent decided (p. 82) "that the application for leave to proceed, &c., is denied with costs." How learned judges can rely on such a decision as authority for the position that an appeal is no supersedeas, passes all conjecture.

The whole matter is, that in the English Chancery, until 1798, long after the Revolution, an appeal to the House of Lords *did work* a supersedeas. Since then, the question, whether it shall or not, depends on rules and orders adapted to each particular case. But Chancellor Kent is explicit, and the subsequent cases where, on motion of the appellee, special order was made to preserve the fund, pending the appeal, so far from weakening the rule sustains it, and so an ordinary acquaintance with the reports would prove. From the case of Green and Winter we learn that Lord Chancellor Apsley, in *Pomfret vs. Smith*, Wyatt's Prac. Reg., 35, 36, decided "that the practice, on appeal to the House of Lords, was, that the chancellor's jurisdiction was superseded, only as to the matter appealed from." In this case the matter appealed from was the authority of a circuit chancellor to sell the real estate and slaves of young Ball. Chancellor Kent says, "I believe the practice in this court has always been according to the more ancient opinion in the English chancery, and the appeal has been considered as a stay of proceedings. This appears also to have been the understanding of this court as declared in the 35th, 36th, and 37th rules of June 1806. My conclusion is, that an appeal does, in the first instance, stay proceedings on the point appealed from, and that, if any party wishes to proceed, notwithstanding the appeal, he must make application to the chancellor for leave to proceed," &c. The difference between the English practice and ours is, that by the former the plaintiff must apply for an order to stay proceedings, but here the defendant in appeal must apply for leave to proceed. M.





Ezekiel Pickens.

EZEKIEL PICKENS, OF SCOTLAND, A.D. 1811.

Engraved by H. V. Hall.

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HON. EZEKIEL PICKENS.

OF ALABAMA.

No profession develops, with so much of accuracy and masculine vigor, the native intellectual predominancies as that of the *law*. Whilst it opens a vast field for profound philosophic inquiry, it, at the same time, imperiously demands an acute and close observation of the daily workings of practical life. In its history and principles, reaching back into the misty regions of ages long since become historical, yet, in the application of those principles to daily use, the possessor must keep his eye constantly fixed upon the gigantic progress of modern improvement and the far more extended and complicated machinery of modern society. A moment's reflection will serve to show that, aside from the patient and laborious toil necessary to accomplish successfully a task of such vast proportions, he who would rise to successful eminence must possess a clear, discriminating and practical judgment. He must be capable of extracting great principles of jurisprudence from amid the rubbish of ages, and stiff, stern and inflexible though they be, they must be in his hands sufficiently malleable to be applicable to the rapidly changing necessities of a progressive and gradually developing state of society. The mere *declaimer*, or *sentimental dreamer*, will find here no field suited to his exertions. The lofty aims of a practical wisdom, of a far-reaching and sagacious philosophy, can alone be tolerated in this arena. And it is not, perhaps, saying too much to insist that these capabilities are more eminently demanded in the "frontier settlements" of our western and southwestern than in the older states of our vast Republic. In the latter, the youthful aspirant for forensic honors finds moulded, and fashioned, and ready for use, all the forms and appliances necessary to professional success and development. The current of society flows smoothly and majestically on without change or detriment, except such changes as gradually develop a new principle, or a new application of an old one. Not so, however, in the former; everything is in its primitive state. The materials for the formation of society, which are scattered around broadcast and in profusion, often the most heterogeneous and crude, have to be moulded and fashioned into form and symmetry by the application of great principles. These rude materials and these great principles have to be fused together in the crucible, and the process of melting down and refining the former is undergone by firm and unyielding contact with the latter. The very highest development of intellectual vigor, the most profound and comprehensive knowledge of principle, is often found inadequate to this arduous task, for with these must be united a clear and quick sagacity, an adaptation to the habits and modes of thought by those surrounding the legislator or judicial functionary, or all his well-meant labors will, like the fabled fruit of the plain, "turn to ashes on the lip."

Amongst those who have acted conspicuously in thus moulding and fashioning society in our state, stands eminently forward the gentleman whose name heads this paper.

JUDGE PICKENS, with all his apparent eccentricity, is eminently a practical man. All his philosophy has in view some practical end, and that which is not good and useful meets with but little favor from him. At an early period of our history, being then quite a youth, he pitched his tent amongst us, and from that time up to the present moment, has been constantly and honorably identified with the interest and progress of Alabama. He has been for many years on our circuit court bench, and the acceptable manner in which he has discharged the duties of that arduous and responsible station is best evidenced by the fact, that when the election of judges was given to the people, (at the session of 1849-50 of the legislature,) he came before the constituency of a district largely whig, (himself being an unflinching democrat,) and though opposed by gentlemen of high intellectual and professional attainments, of enlarged experience and high moral qualities, he received more votes than both the candidates who opposed him. The people were determined to show their appreciation of his long-tried services, and his triumphant election was justly regarded by his friends as a most signal and satisfactory indorsement of his great moral worth and unflinching judicial integrity.

In his manners, habits and modes of thought, Judge Pickens is perfectly *unique*. There is about him an appearance of *drollery*, which often makes his auditors shake their sides with laughter, and what gives it greater zest is the fact, that it is clear, that is not assumed for effect, but is entirely natural. Many amusing anecdotes are told of him, and many of his expressions or sayings have become almost household words with our people, even with the children. Whatever he believes, he "believes with all his might," and, being satisfied that he has found a principle correct, he places thereon the most implicit and unyielding faith. An anecdote is told of him, as true, which will illustrate this characteristic. He is a strong believer in phrenology, and never is a supposed violation of the law brought before him, but that he brings to bear upon the offender's "bumps," his keen, dark and searching eyes. In one of the "Wire-grass" counties, where he was presiding in a small, temporary court-house, where the people, bar and officers were indiscriminately mixed up, (on "criminal day" especially,) an offender, who had been convicted by the jury of larceny, was brought up by the sheriff's officer to receive his sentence. He was told by the judge to stand up, upon which the prisoner, and the officer having him in custody, rose to their feet, and standing but a short distance apart, the judge fixed his eyes upon the supposed criminal, and began to favor him with a lecture. The most withering denunciations of crime and criminals in general, and this offence and this offender in particular, were poured from the lips of the indignant judge. The utter *meanness* of the crime, the disgrace and reproach he had deliberately brought upon himself, his family and county, formed the theme for a most withering lecture. All this time, the members of the bar were convulsed with suppressed laughter, and the poor constable was writhing in agony. Humanity, at last, prompted some knight of the green bag to inform his honor that the person whom he was addressing was not the criminal, but the officer having him in charge, that the other "form

erect" was the offender, against whom all his bitter invective should be hurled. He paused for a moment, and all expected that he would make to the offended and suffering officer an ample apology—but not so. Scrutinizing him for a moment, as if doubting whether it were possible that he could be mistaken, he looked him full in the face, and, pointing his forefinger toward him, said, "Ah, well—you had better take care—mind I tell you—you've got a mighty bad head!"

In the administration of the criminal law, he has the reputation, with many, of being harsh and severe. It is not to be disguised that he has an innate horror for crime, and, unlike many others in this respect, that horror increases with the magnitude of the offence. He is not carried away by what Mr. De Quincy would call, I suppose, "the poetry of crime," and led thereby to pour all the vials of his wrath upon the petty offender. Very far from it. Whilst these meet with little or no favor or commiseration, it is the great criminal that calls him fully out.

But, I am by no means willing to admit, that the charge of harshness is well sustained. I have never known him to deny to any the full measure and benefit of all the defences that the law gave them, whilst, at the same time, in charging the jury, he depicts, with strong, original, and often powerful effect, the enormity of crime. No judge upon the bench of our state is listened to, by juries, with more earnest attention; and their great confidence in him, as a man and as an officer, often, doubtless, gives to his remarks more weight than was intended by him. Upon the whole, his administration of the criminal law has been highly successful and beneficial to the community. In his charges to the juries, in both civil and criminal cases, he is generally clear and explicit. He uses the most simple language, and, comprehending himself, very readily, legal principles, he labors so to simplify them as to make them clear to the unprofessional mind. In this he is eminently successful. His charges, too, are often presented with a manner and language perfectly original. A nod, a gesture, or a frown, will often convey more meaning than words. It is not to be denied, but that his mind is acute and clear, and, whilst he adheres with tenacity to well-considered opinions, no man on the bench seems more free from "pride of opinion;" he never regards it as disreputable, or, in the slightest degree, compromising his dignity, to change, if convinced that he is wrong; and no man will do so with more ingenuousness or promptitude. From this habit of mind results the fact, that there is not a judge upon the Circuit Court bench who will, to use a lawyer's phraseology, and which lawyers know means so much, "give a fairer bill of exceptions."

In the discharge of his official duties Judge Pickens is a most diligent and laborious officer. He is never known to omit holding a court at the appointed time, if physically possible; and considering his apparent feebleness of body he performs a prodigious amount of labor. In the conduct of business in court he is always prompt and energetic, and ordinarily a patient listener to whatever may be urged by counsel. To sum up, he is to the bar courteous, affable, and easy of access. In his courts, without an apparent effort on his part, the most perfect order is preserved, and prompt obedience seems to be rendered by the

populace, more through love than fear, and yet the refractory have ample cause to fear him if he should find it necessary to exert his judicial power over them.

I have already stated that his administration of the criminal law has been highly beneficial to the community, and I can state, with equal truth, that such has been the case with his general administration. A high regard for "law and order," and a clear appreciation of the rights and obligations of each member of society, marks and defines his general conduct as a man and as an officer. In the conduct of causes, if he has prejudices, either for or against the parties litigant, the most accurate observer would not be likely to detect them. It has been often said that he is less lenient to his friends than his enemies. However this may be, it is very certain that he is no *Themistocles* in his habits. His attention to evidence in the progress of a trial forms a peculiar characteristic in his administration. His memory is remarkably tenacious, and he is rarely at fault in his recollection of testimony.

As one of the many evidences which could be produced of the estimation in which he is held by the *people*, we subjoin the following. It was in his own county, where he had lived and labored longest, where the people knew him best, that at the close of a long and tedious session he received this testimonial:

"To the Hon. Ezekiel Pickens, judge of the second judicial court.

"We, the undersigned jurors, for the third week of the circuit court, of Dallas county, who compose jury No. 1, would respectfully say to your honor, after having discharged their duties as said jurors during the present week, and being as such discharged by the court, that they are unanimous in the desire to express to your honor their entire satisfaction at the kindness and consideration with which they have been uniformly treated during the week, and also to assure your honor that, under the circumstances, they have discharged, to the best of their ability, the very arduous and responsible duties of serving as jurors.

"In taking leave of the court, though happy to be at liberty to return to our respective homes, we regret the termination of the pleasant intercourse which, during the week, has existed between your honor as the presiding officer and themselves as a component part of the court, and we beg leave, respectfully, to assure you that we remain, one and all,

"Respectfully, your friends,

"G. W. HARDY, Foreman."

Signed by eleven others.

On the 25th December, 1838, the democratic republican delegates assembled in convention at Tuscaloosa to nominate a candidate to represent this district in the Congress of the United States, and the choice fell upon Judge Pickens. He was, however, compelled, by private reasons, to decline accepting, but as he did so he set out at full length his views of the politics of that exciting period, in a letter addressed to the convention. We regret that our space forbids its insertion, and will be content to give a few extracts:

"On the crash of the artificial system under which most of us had

been raised, and therefore, for the moment, knew little of any other, there was much apparent reason with those who proposed a national bank as the only means of restoration. The crisis occurring subsequent to withholding a renewal of charter, looked very like cause and effect, and seemed to authorize the then confident prediction that there could be no relief but by a national bank.

"Those who thought the malady was in the system; that the less artificial a system, the less subject to disorder; who believed in the absolute necessity of not only having a legal measure of values, but of giving it practical operation; who believed the constitution only authorized the general government to furnish the measure, but forbid it to organize any agent to substitute a different measure; such proposed, as one remedy, the gradual but finally entire separation of the finances from the banks, which had heretofore furnished the only practical measure, if that which was never at two intervals of the same length, can be so called, and proposed the collection of the government dues in the constitutional standard, gold or silver.

"The results anticipated were, that the national government, bound to raise, feed, and pay an army and navy for the protection of our commerce, our national rights, and national honor, might, at all times, at every moment, be in an attitude to perform her functions and be placed beyond contingency as to means and medium. Another scarcely less desirable was, that by giving a practical application to the most unerring measure of values, excessive paper issues, synonymous with false measures, would be restrained, and thus a sound currency given to all, as far as the fiscal action of the government could effect the object, leaving whatever else might be required to state legislation.

"The proposed remedy was characterized by those in favor of the other system, as intended to give a good currency to the office-holder, but a bad one to the people; as calculated to break up all banks, and annihilate the credit system; with similar arguments, appealing directly to the interest of the stockholder, and the terror of all under their grasp."

* * * * *

"A false currency cannot circulate unless there are those to take and transmit. When the merchant or money-dealer refuses, its deficiency being exposed, it goes backward till its origin is found; the better takes its place, and so the action continues until the best becomes common. The general government is our largest dealer, and though nothing compared with the aggregate dealers, yet, being the largest, and its financial operations diffused, pervading the whole circle, exerts a powerful influence for restoration.

On the other hand, whatever the government takes, the importer will take; what he takes, the whole mercantile community will take, and what they do every one will; and so long as the government will take, the worse it is, the more anxious all are to get, to put it on the government. No department, no class, no line of business left, whose duty or habit is to apply the standard, convenience to day becomes habit to-morrow; confidence becomes credulity; the thing is looked upon as money, and so the tide rolls on until the whole financial system becomes rotten. Men and government, property and prosperity, in-

gulfed in a deluge, and without ark. No, no! not *all* ingulfed, the banks, sagacious, entitled to superior privileges, usually are armed with legal instruments of more efficacy and more speed than are enjoyed by the mass, to meet a coming storm; which their position, too, affording superior means of foresight, render them less regardful of its approach; especially so, when general disaster does not necessarily reduce bank profit. But infinitely is this tendency to depreciation increased, when the money of the government, or what it takes as money, is returned back to those who put it forth, not for redemption, but to be again placed as a credit to the government and re-issued as money. In all this there is no money, no measure, no application of standard. This system and mode of operation it is which invites excessive issues, creates a show of prosperity, excites hope but to destroy its victim; this it is which commences by appearing to raise the value of property, stimulates speculation, whets avarice, invites thousands to abandon honest and honorable occupations to pursue the phantom of sudden wealth, requiring continual increase of issues to keep pace with the rise in property—still no money, no measure; this it is which would speedily convert the large mass of the nation into consumers instead of producers, into speculators instead of merchants, into swindlers instead of honest men. In such a state of things, when he sees others, as he supposes, getting rich around him, can we expect the public agent to be satisfied with the slow gains of official pay? No; if he is the keeper of money, with moderate fortitude, he will risk it on the advancing tide of speculation, the weaker will embezzle. In this thing, in this artificial gain—without work—contrived, unbridled system, is the source of corruption, and when this state of things is brought about, the very agent in the mischief has art enough, pecuniary or otherwise, to have it sanctioned. Of this, however, we will see."

These brief extracts will suffice to show upon which "side of the fence" Judge Pickens is to be found.

As a man and a citizen, Judge Pickens stands deservedly high. As a man, there rests not a single stain upon his reputation. Such is the strict fidelity of his dealings with his fellow-men—so perfectly free from all disguise, by which he himself could reap benefits to the detriment of others, that even *Cato the Censor* would have given him his approval. As a citizen, he is eminently public spirited, and engages eagerly and earnestly in all the improvements of the day. He is fully up with this progressive age in carrying forward the physical, moral, social and intellectual developments.

I have intimated above, that a stranger would regard the judge as eccentric. He certainly is so, but it is more an eccentricity of manner than anything else, and if originally assumed, has become a part now of his very nature. The chief characteristic of this eccentricity is *drollness*, if I may use such an expression, which forces upon you an irrepressible disposition to laugh at all he says or does. He seems himself not insensible to this, and possessing a keen sense of the ludicrous, he often enjoys the laugh even at his own expense.

I am very far from saying that Judge Pickens is a faultless character, but I do say, and I think his neighbors, those who have known him longest and best, will bear me testimony, that his prominent virtues so

far excel his faults, that he may be safely set down as a most upright and worthy citizen, as well as a most laborious, able and faithful officer.

With a short personal sketch I close this brief notice.

EZEKIEL PICKENS was born in December, 1794, in the city of Charleston, South Carolina. His father, Ezekiel, was the eldest son of Gen. Andrew Pickens, a sketch of whom may be seen in the "National Portrait Gallery," and of his wife in "The Women of the Revolution." The family name of his mother was Bonneaux, of Huguenot descent.

Both parents dying about 1811 or 1812, he was placed by his uncle, Colonel Andrew Pickens, who was then in the army, at school. Shortly afterwards he entered South Carolina College, and after completing his course, graduated with a law honor,—though the judge at this day tells us that he knew none of the studies accurately, and is more than ever at a loss to account for the manner in which he obtained it. In 1816 or 1817 he left college, and acted for a short time as private secretary to his uncle Andrew Pickens, who was then governor. His next step was to remove to Abbeville in order to enter the office of his brother-in-law, Col. Patrick Noble, to study law.

In March, 1820, he removed to Alabama, and stopped where his uncle had just located, near Cahawba, the then seat of government, rapidly developing, and crowded with lawyers. He was admitted to practice in May of that year before the Supreme Court, and although he stood a good examination, he tells us that he knew little of the law. It is proper here to state that the time from the period he entered the office of Col. Noble was not wholly occupied in study. Becoming dissatisfied and distrustful of his powers, and feeling sadly the waste of his college hours, he abandoned his law books and visited the northern cities. He spent in New-England nearly two years, which left him scarcely two years to pursue his studies.

His first effort at law was a decided failure, and he seriously thought of quitting the profession. But his feelings of pride restrained him, and he doubled his efforts to succeed. His relations urged him to remain at Cahawba, but seeing the number of lawyers already there, he was deterred. In January, 1821, he removed to Linden, (then called Screamersville,) Marengo county. He soon had a log-cabin erected, in which he opened his office—(this was the first law office in Marengo)—a house twelve feet by fifteen—a door of rived pine boards, with wooden hinges, which caused an audible screech whenever opened or shut.

Here he settled, and as he has often since said, soon became contented. There was no other lawyer within twenty miles, and to this may be attributed much of his success. He was thrown upon his own resources and turned for aid to his books. Young lawyers are generally deficient in that branch of their profession which is familiar to the most ignorant backwoodsman, and they are very apt to take up an ineradicable notion about the merits or demerits of a "limb of the law." He tells us that he always (at that period) viewed the approach of a client with "fear and trembling," and only discovered every day how little he knew. This, however—by a diligent application to his books—soon wore off, and he saw business flowing to his little log office.

Among his first cases was one where an English tailor named Marks had been bound over by a man named Hainsworth for a breach of the peace. Marks had engaged him, and detailed the circumstances at the request of P. in writing, which statement the young attorney thought carried verity on its face. He, however, doubted whether a bill would be found, as Hainsworth was a man of property—violent in his disposition—so much so that the neighborhood were kept in constant dread of him. He therefore paid but little attention to the matter; yet one was returned for an assault with intent to murder. He therefore prepared himself for the trial, and advised the employment of more experienced counsel to assist. The only witness Marks relied on was an old woman of humble station, and who, as he learned afterwards, Hainsworth had used every means to destroy in reputation, and for reasons other than those connected with this transaction. She was the only witness to meet this artful man, and while Hainsworth was under examination P. became very uneasy and provoked—turning to Marks he upbraided him with having deceived him. He replied with confidence, "Call Mrs. Lane," "call Mrs. Lane." His manner re-assured him. Hainsworth made out a clear case seemingly, and the prosecution closed. The defence then opened. Mrs. Lane was called to the witness stand and told her story, as none but a woman can tell it—every effort was made to entrap her in vain. Her story was directly contrary to Hainsworth's. The assistant counsel for the defence proceeded to address the jury in a cold, desponding speech, and sat down without accomplishing anything. It was evident he felt it a bad case. Not so however with Pickens. He believed that he had right on his side; the conviction stirred within, and filled him with indignation. He rose under such feelings to address the jury; his bashfulness forsook him, and he advocated the cause of the injured man in a speech of remarkable power. Dealing in no polished language, or finely turned periods, he confined himself strictly to the facts, and presented a concatenation of circumstances so intricately interwoven, that the guilt of Hainsworth was irresistible. The jury in a few minutes returned a verdict of "not guilty." Which result he has been heard to say gratified him more than any he has since obtained.

In the latter part of 1820 he removed from "*Screamersville*," or Linden, to Erie, in Greene county, the then seat of justice. Here he formed a partnership with Seth Barton, Esq., late minister of the United States to Chili, who resided then in Tuscaloosa. In 1825, Erie proving sickly, he removed to Greensborough, now a flourishing town in Greene county, his business steadily increasing. Shortly after this the seat of government was removed from Cahawba to Tuscaloosa, and Mr. Pickens yielded to the intreaties of his relatives and removed to Dallas county, and settled near Selma. With the removal of the capital a good deal of business and lawyers left the county, and he felt himself better able to cope with those who remained than formerly. About 1837 he purchased a small tract of land, where he now resides, and having no slaves of his own, invited his brother Samuel Pickens, who possessed a number of slaves, to reside on and cultivate it. He did so, and they resided together until the death of his brother a short time since. The

judge, however, realized from his practice sufficient to enable him to purchase at intervals slaves and also to add to his farm, and he is at this time enjoying a fair competency.

In Dallas he formed a partnership with James M. Calhoun, Esq., a lawyer of marked ability, and who has since risen to eminence in the state.

Shortly after their dissolution, which was occasioned by Judge Calhoun's entering the political arena, he formed a partnership with James B. Clarke, Esq., now chancellor of the middle division of the state.

Being constitutionally feeble, the increase of business nearly prostrated him, and at the solicitation of his friends he appeared before the legislature, at the session of 1834, a candidate for judge of the circuit court. He was beaten, however, by John S. Hunter, Esq. Judge Hunter resigned in a short time, and Judge Pickens was commissioned to his vacancy in August, 1835, and in the winter of that year was elected by the legislature over George W. Gayle, Esq., by a large majority. At the session of 1836, the salary of the circuit judges thereafter to be elected was increased, and with all the other judges but one, he resigned and was immediately re-appointed by the governor. He was elected by the legislature again in 1837, and was elected again in 1842. In 1847 he had again determined to be a candidate, but being on the circuit until three days before the election, he found on his arrival at Montgomery, that Judge Cook had thoroughly canvassed the legislature, and that from some unknown cause great efforts were made to defeat him. He made no great effort to obtain votes, merely mentioning to his friends his desire to run. Upon counting the votes it was found that out of one hundred and eighteen votes, Cook succeeded by but four votes. His term lacked about eighteen months of its expiration, but deeming the vote of the legislature the expression of its opinion he resigned, and devoted himself to agricultural pursuits, with no expectation or desire of again appearing in public life.

At the session of 1849, the legislature enacted a law, giving the election of judges to the people, and Judge Pickens, understanding that it was the general wish he should become a candidate, yielded at the sacrifice of his private feelings. This election was conducted on all sides with marked courtesy, and an agreement among the several candidates at the outset, to the effect that they would abstain from electioneering, was I believe strictly adhered to. The election resulted, as before stated, in the triumphant election of Judge Pickens, he receiving 2424 votes and his two competitors receiving jointly but 2077 votes.

The judge was elected to the legislature once from Greene and once from Dallas, and three years ago was spoken of in connection with the gubernatorial chair. But he positively declined being considered a candidate before the convention for the nomination. There is little doubt, had he consented to it, that he would have been elected.

Judge Pickens is in stature about five feet two or three inches, and well formed; eyes large and a dark brown color, and when excited indicate action and intenseness, his forehead is elevated but not prominent, dark hair and complexion. He bears his age well and gives promise of many years of usefulness and activity.

ANDREW J. MARCHBANKS,

OF TENNESSEE.

THE subject of this sketch was born in Jackson county, Tennessee, on the 21st of November, 1804. During his infancy his parents removed with him to, and settled in Overton county. His father, William Marchbanks, was of Scotch descent, was a farmer in moderate circumstances, had a large family, and his sons were compelled to labor in the field for a support. The present judge was, from time to time, sent to school until he acquired a tolerable knowledge of the sciences and an imperfect knowledge of Latin.

In 1823, and in his nineteenth year, he commenced the study of the law, under Major H. H. Atkinson, in the town of Monroe, the county seat of Overton county. There he continued to read with but little advantage until the summer of 1824; and having at that time become quite idle, and being satisfied that he was doing no good, he determined upon, and accordingly returned to the residence of his father, taking with him a few law-books, and which he occasionally read until the early part of the winter of 1825, at which time he resolved to renew his studies with increased energy; and to do this, he thought it best to avoid relapsing into his former idle habits, to select a new location at a place where he would have no acquaintances, and where, without the danger of any evil temptations, he might form new acquaintances and new habits. It was with determinations of this kind that young Marchbanks again, in the early part of February, 1825, left his father's roof. He located himself in the town of McMinnville, and there re-commenced his studies under Major Stokeley D. Romer, a gentleman of considerable celebrity and distinction at the bar. Our student now, in good faith, gave up all of his former idle habits, and with singleness of purpose devoted himself to his studies, and so continued to do until the fall of that year, when he was licensed to practise law.

At this period his license to practise law constituted his all—it was his only hope; and the want of the means to go elsewhere, as much as anything else, induced him to make a permanent settlement at McMinnville, and there to make an effort, humble as he was, to establish himself in his profession. Under such circumstances as these, young Marchbanks, without a dollar in the world, and without family connection or patronage of any kind to usher him into business, embarked in his profession;—his only hope for success was a determination on his part to devote himself to its duties with unwearied industry, and to live an upright and an honorable life.

In a short time after he was licensed he got into a small practice, principally in the county courts. For two years his business did not yield a sufficient income to defray his expenses. About the expiration of that time he got into a profitable practice, and which he continued down to the time when he was elevated to the bench.

In 1828, Marchbanks was elected elector from his native district to vote for President and Vice-President of the United States, and which



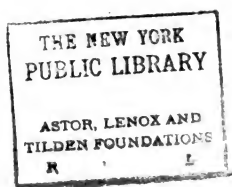


Wm. H. Wood

Andrew J. Marchbanks

Wm. H. Wood

Wm. H. Wood



duty he performed by casting the vote of his district for Jackson and Calhoun. The Electoral College of Tennessee was at that time constituted of eleven members. Of the entire number of persons then constituting it, it is believed the subject of this memoir, together with Dr. Alfred Flournoy, at present of Shreveport, Louisiana, constitute the only survivors.

In 1836 he was elected to the Senate in the state legislature, and served in the called session of that year.

In 1837, Marchbanks was elected by a whig legislature (he being a democrat) judge of the thirteenth circuit in Tennessee for the term of eight years; and upon the expiration of that term, in 1845, he was again, by the unanimous vote of the legislature, re-elected for the same term, and which office he now holds.

In his addresses to the grand juries he has constantly impressed upon them the fact, that our government is founded upon the morals and intelligence of our citizens, and that, to perpetuate our free institutions, the religion and intelligence of our people must also be perpetuated; that only a few brief days ago the government was in the hands of our fathers; that to-day it is in our hands, and that in a very few more days it will be in the hands of our children; and as it is to devolve upon them to sustain it, it is all-important that they should be well prepared to perform that high and important duty, and that, to so prepare them, the most anxious and unremitting care should be bestowed upon their education.

In the earlier part of the judge's professional service, he was, as assisting counsel, retained in several heavy and complicated actions of ejectment. This caused him at that early period of his life to give to the land law of his state a thorough examination. He has now been upon the bench for more than fourteen years, and during that time he has decided many actions of ejectment, a number of which have gone to the Supreme Court by appeal, and out of that number only two have been reversed. One of them is the case of *Miller vs. Miller*, (Meig's Reports, 484,) and the other *Wait's Lessee vs. Dolly*, (8th Humphrey's Reports, 192;) and in deciding the latter case, it was at the time believed that he was following the judgment of the Supreme Court in the case of *Lee vs. Crossna*, 6th Humphrey's Reports, 281.

As a judge, he makes it a rule never to decide a case, where there is any doubt about the law of it, without an examination into the authorities, when it is at all practicable to do it. He also makes it a rule, in all cases of any magnitude, to give to the juries who try them written instructions in regard to the law of the case, and to make out and keep full notes of the evidence, insomuch that, in many cases of the utmost importance, where appeals have been taken from his judgments, the parties have adopted his notes as containing a full history of the case.

The Judge was first married to a Miss Savage; she dying, he then married his present wife, Mrs. Martha C. Flournoy, daughter of the late Doctor John H. Camp, of Giles County.

He lives upon a farm within about two miles of McMinnville, where his intelligent lady employs her time in the raising and cultivation of flowers and shrubbery.

HON. JAMES L. ORR

OF SOUTH CAROLINA.

THE subject of this sketch was born at Craytonville, in Anderson district, South Carolina, on the 12th day of May, 1822. His father was Christopher Orr, and his mother Martha McCann. His paternal grandfather was John Orr, a native of Wake county, North Carolina, and a soldier in the Revolutionary war. His maternal grandfather was Robert McCann, a native of the County Down, Ireland, who emigrated to the United States about 1786. His father commenced life without pecuniary means, but by a successful prosecution of mercantile pursuits acquired the means of educating thoroughly a family of three sons and two daughters. At an early age he was placed at a country school, and after acquiring the rudiments of an English education he was placed at an academy at Anderson and commenced the study of the languages (Latin and Greek) under the Rev. J. L. Kennedy, a teacher of considerable reputation in the upper districts of Carolina. His academical education was completed under Mr. Wesley Leverett, a classical scholar of fine attainments, and a teacher who has educated more young men who are useful in society than any man of his age in the region of country where he has taught. Whilst prosecuting his academical course his education in business and human nature was not neglected. On public days, in the village where his father resided, he was transferred from the school-room to the merchant's counter and counting-room, and made a most efficient salesman and book-keeper.

The knowledge he thus obtained of practical business and of men has perhaps been one of the most active influences in moulding his subsequent career, which has thus far been more successful than most men of his age. In later years he has often remarked that the best school for a boy to learn the practical duties of life in, and especially the learned professions, is behind the counter of a village or country merchant. It brings him in contact with his species in every station and calling, and men usually show as much of their true character in trading as in traveling, or in the army, and the temptation to vicious habits is far less in the former than in the latter situations. He acquired most distinction in the mathematics, natural and moral science, and in elocution and oratory.

The teacher was successful in organizing and giving interest to a debating society connected with the academy, and so great was the emulation and interest excited, that all his classical students spent their Saturdays at the academy in debating. The result was, that most of them became ready, fluent debaters, and some of them orators of merit. The subject of this sketch derived very great advantage from this exercise, and attributes his fluency at the bar and in the forum to this early training.

In the eighteenth year of his age he matriculated a student at the University of Virginia, preferring that institution for the reason that he could devote himself to such *studies* alone as would be peculiarly



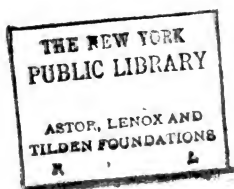


Eng^d by H S Gadd

HON. JAMES L. ORR.

M C OF SOUTH CAROLINA

Eng^d for Biographical Sketches of Eminent American Lawyers



serviceable to him in prosecuting the profession of the law, which he had at this early period determined to embrace.

His first year was spent profitably in pursuing the following studies: Natural, mental, and moral philosophy; political economy; logic, rhetoric, belles-lettres, medical jurisprudence, geology, and mineralogy, as also international, constitutional, and the elements of common law.

He was graduated the first year in moral philosophy, including metaphysics, political economy, and medical jurisprudence. The second year he devoted his entire time to the law, under the direction of the late J. A. G. Davis, professor in the university, but before its termination Professor Davis was most unfortunately killed by one of the students, and the board of visitors, in the emergency presented, feeling the necessity of supplying Professor Davis' place at once, as the law class numbered some sixty or seventy students, gave the temporary appointment for the remainder of the term to a young lawyer of Richmond, but as he had little experience in his profession the subject of our memoir determined to return to his home, where he supposed he could prosecute his studies with more profit in some office in his own state. The course of study prescribed at the university was very comprehensive, and he who waded through it, understandingly, could hardly fail in making himself a good elementary lawyer. Mr. Orr studied here the commentaries of Lord Coke upon Littleton, and advanced as far in exploring this fountain of English jurisprudence as the youthful mind could go; and he has often declared that his knowledge of the principles of the English common law, and more especially those governing real estate, was derived from this quaint but profound jurist.

It is much to be regretted that so few of the lawyers of the present day have any familiarity with the commentaries of Coke, for it is really the foundation-stone of the common law, and none can understand the law of real estate satisfactorily without its comprehension. He who bravely encounters its quaintness and intricacies, and reaches his beautiful benediction to the student, where he says, "And now farewell to our jurisprudent! We wish unto him the gladsome light of jurisprudence, the loveliness of temperance, the stability of fortune, and the solidity of justice," has indeed achieved an intellectual and professional triumph, and has panoplied himself in such solid legal learning as never to cause the heart to quail in encountering a professional rival. The year 1841, being the first after his return from college, was spent in society, and in reading history, ancient and modern, Hume's and Lingard's, with the same care as law-books; and the former is as indispensable to the course of a lawyer's reading as Blackstone or Kent. In January, 1842, he entered the office of J. N. Whitner, Esq., then the solicitor of the western circuit, who has since been promoted to a judgeship, and commenced reading the course of study prescribed by the law court of appeals of South Carolina, preparatory to applying for admission to the bar. The course is very comprehensive, and applicants for admission are subjected to a strict examination thereon, in presence of the whole court, before granting a license; if found prepared, upon the examination, are admitted; if not, are rejected. Judge Whitner was, in performing the duties of his office, necessarily absent from home at least

six months in the year, and whilst Mr. Orr was his student very much of the office business and practice was devolved upon him. He not only issued cases and prepared the pleadings, but often, *ex necessitate*, gave counsel to Judge Whitner's clients, and he derived two very important advantages therefrom—first, it familiarized him with the *practice* in the courts of law and equity, and furnished the occasion of applying the elementary principles of his reading to actual cases; and secondly, it gave him confidence in his judgment, and capability to determine a legal proposition. He completed the course, and was admitted to the bar in May, 1843, at the age of twenty-one. He opened an office at Anderson, South Carolina, where he was reared and educated, and within a few miles of his native place. He was more fortunate than most young lawyers, for within eighteen months after he was licensed he was surrounded with quite a respectable practice.

In the fall of 1843, having a taste for politics from boyhood, he established a newspaper in the town in which he resided, entitled the Anderson Gazette, and took the chair editorial, which he filled for one year.

In November, 1843, he married Miss Mary Jane Marshall, second daughter of Dr. Samuel Marshall, of Abbeville district. In the following spring he became a candidate for the legislature, and after an animated contest he was elected at the head of the ticket, and by an overwhelming majority over his whig opponents. He canvassed the district very closely, and every voter had the opportunity of hearing him on the stump. His party friends were highly gratified at the ability he exhibited in the canvass, and appreciated in no stinted measure the signal services he rendered in the democratic cause and in favor of Mr. Polk's election to the presidency.

In this connection it is proper to relate the fact, that Mr. Orr from boyhood intermingled freely amongst the people, and before he was twenty he was personally acquainted with most of the citizens of his district. His bland manners, his address and his conversations made him a favorite in all ranks. This favorable knowledge of him, as a boy and youth, secured him friends and practice at the bar, and when he was a little more than twenty-two years old he was elected to the legislature, receiving about 2500 votes. The same district in 1840 gave a majority for the whig candidate for the presidency. He entered the legislature, having received a higher vote than any man in the state, but being a new member he participated only occasionally in debate. In the discussions in which he participated he acquitted himself to the entire satisfaction of his friends and constituents, and at the next election he was re-elected. He entered actively into the debates of these two sessions. There have never been reporters of the proceedings of the South Carolina legislature, and we have consequently none of his speeches preserved. His principal speeches were made on reforming the free school system, giving the election of presidential electors to the people, (now selected by the legislature on joint ballot,) in advocacy of extending the aid of the state in constructing the Greenville and Columbia, the Charlotte and South Carolina, and the Wilmington and Manchester rail-roads, and on various questions connected with the federal relations of the state. In 1845 he formed a copartnership in the law with J. P.

Reed, Esq., now the solicitor of the western circuit, which continued until the spring of 1848, when he became a candidate for Congress. The records of the court shew that nearly one-half of all the business of the courts of law and equity was transacted by this firm; and they had quite a good practice at some others of the courts of the circuit. Mr. Orr has studied human character to great profit in the management of his causes in court. His perception of the strong features of his case is clear and quick, and he consequently does not make long speeches to the jury. His most elaborate argument in a will case, in which he took a deep interest, was concluded in a little more than one hour. His speeches are argumentative, put principally in the style of interrogation, without any effort at oratorical display.

The court of chancery has always been his favorite branch of jurisprudence. The success with which he has practised in that court is an enduring memorial of the excellence of his tact and judgment in framing bills and answers. The first bill he ever drew was in a case involved in the greatest intricacy, and the presiding chancellor said of it that it was the most skilfully drawn bill he had seen out of the city practice in Charleston.

In 1848, as we have already stated, he became a candidate for Congress. His opponent was a lawyer of talents and great professional reputation, with much experience in political affairs, having served some fifteen years in both branches of the state legislature. They were both democrats, and the contest was therefore purely personal. The canvass was an exciting one, both the aspirants devoting nearly their whole time to it for six months preceding the election, which took place in October of that year. When the votes were counted it was ascertained that Mr. Orr had beaten his opponent about seven hundred votes. Under all the circumstances it was a most signal manifestation of the confidence and esteem by the people for one so youthful. He took his seat in December, 1849, a member of the 31st Congress, a Congress which has been distinguished for more startling incidents than any other in the history of this government. He was opposed to the settlement of the sectional question on the basis of what was denominated the compromise. He believed that the settlement did injustice to his section of the country; that one or the other side was cheated in the organization of the territorial governments of Utah and New-Mexico, the north asserting that Mexican law excluded slavery, and the south the opposite opinion; that Congress had no constitutional power to buy a part of a sovereign state and place the population thereon under a territorial government; that if the land belonged to Texas, the government had not the right to buy; if it belonged to the United States then, it was wholly indefensible to take \$10,000,000 from the public treasury to pay for *that* which was already their property; and lastly, that California was admitted with excessive territory, without an enumeration of her citizens, having formed her constitution without the authority of Congress and against all the precedents existing in the previous history of the government. The principal speech he made at this session was on the slavery agitation, in which he discussed very elaborately the tendency and ultimate end of agitation if it was not arrested, and also presenting views why California should not be admitted into the Union

before she had passed a territorial pupilage. He therefore voted against all the measures of compromise except the fugitive slave law. He participated occasionally in the general debates of the house at this session as also at the next.

When he returned home in March, 1851, at the close of the short session, the State of South Carolina had called a constitutional convention, and delegates thereto had been elected, a large majority of whom were pledged to vote for the secession of that state from the Union, on account of the injustice of the compromise. Mr. Orr advised originally against the call of the convention, as, we believe, did a majority of the South Carolina delegation in Congress, as he was unwilling that South Carolina should incur all the hazards attendant upon secession without she had the co-operation of other sister southern states. The constitution of South Carolina provides for calling a convention when two-thirds of both branches of the legislature concur therein; and when the convention was called the separate state actionists had not quite two-thirds, the other third being in favor of providing simply for the election of delegates to a southern congress, as recommended by the Nashville Convention, and opposed to isolating South Carolina from the South. Neither party could carry their measure, and the two were blended into one bill, entitled, an act "to provide for the appointment of deputies to a southern congress, and to call a convention of the people of the state," and passed, the minority having been induced to vote for the call of the convention to have the state ready to co-operate with any other state or states, or, in the event of a failure, to act then, that a convention might be ready to ratify or reject what might be done in the southern congress, if it assembled. The elections were ordered in February, as already stated, and resulted in the choice of a large majority who were favorable to separate action, and the pretence was then set up by the secession organs that this was the original purpose for which the convention was called. Colonel Orr's congressional district had elected about two delegates in favor of secession to one against it, and such was the state of parties when he returned home. He, however, notwithstanding his belief that he was in a minority of one-third, openly proclaimed his opposition to the policy of those who claimed to be a majority; and in a public speech at Pickens, a few weeks after his return home, he warned his countrymen against the disasters which would inevitably follow if the policy of separate secession was carried out—not denying, however, the right of a state to secede from the Union if she chose to do it; for he has always expressed the opinion that there was but one effectual shield against a central despotism by the general government, and that was in upholding and maintaining the rights of the several states who are parties to the federal compact. The right of peaceable secession he holds to be the highest attribute of sovereignty, and its denial leads irretrievably to consolidation. Early in May he attended as a delegate the convention of the southern rights' associations, held in Charleston. It was a body of great intelligence, and numbering some 450 delegates; but, representing the southern rights' associations, it was made up of the most ultra men in the state, and the moderates did not exceed thirty. Among that number, however, was the Hon. R. W. Barnwell, late United States senator from South Carolina, Judge Butler, the present

PORTRAITS AND BIOGRAPHIES.

It is needless to descant on the extended information and delight which we derive from the multiplication of portraits by engraving, or on the more important advantages resulting from the study of biography. Separately considered, the one affords an amusement not less innocent than elegant, inculcates the rudiments, or aids the progress of taste, and rescues from the hand of time the perishable monuments raised by the pencil and the daguerreian art. The other, while it is, perhaps, the most agreeable branch of historical literature, is certainly the most useful in its moral effects; stating the known circumstances, and endeavoring to unfold the secret motives of human conduct; selecting all that is worthy of being recorded; bestowing its lasting encomiums and chastisements; it at once informs and invigorates the mind, and warms and mends the heart. It is, however, from the combination of portraits and biography that we reap the utmost degree of utility and pleasure which can be derived from them, as, in contemplating the portrait of an eminent person, we long to be instructed in his history, so, in considering his actions we are anxious to behold his countenance. So earnest is this desire, that the imagination is generally ready to coin a set of features, or to conceive a character to supply the painful absence of one or the other. It is impossible to conceive a work which ought to be more interesting than one which will exhibit before our progenitors their fathers as they lived, accompanied with such memoirs of their lives and characters as shall enable them to compare persons and countenances with sentiments and actions.

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